

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In re Application of

Paul James Akerman d/b/a Paul the
Mover,

for a permit to operate as a motor carrier
of household goods.

DOCKET TV-230466

NOTICE OF INTENT TO DENY
APPLICATION FOR PERMANENT
AUTHORITY

NOTICE OF OPPORTUNITY FOR
HEARING

BACKGROUND

- 1 On June 9, 2023, Paul James Akerman d/b/a/ Paul the Mover (Akerman 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). The Application lists Paul James Akerman as owner.
- 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 willing and able to conform to the requirements, rules, and regulations of the Commission. RCW 81.80.075(3) also requires the Commission to consider whether the applicant's proposed 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. The Commission's 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.¹
- 4 The Commission will not grant provisional or permanent authority if an applicant or any 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 within five years of the date of

¹ See generally WAC 480-15-302, -305.

the application,² or if the applicant or any person named in the application was convicted of any of those same crimes more than five years prior to the date of the application and the Commission determines that the nature or extent of the crime or crimes will likely interfere with the proper operation of a household goods moving company.³ The Commission may also deny an application if it contains any indication of fraud, misrepresentation, or erroneous information,⁴ or if other circumstances indicate that the applicant is unfit.⁵

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.⁶

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 July 1, 2022 Paul James Akerman filed an initial application for authority to operate as a household carrier in the state of Washington (TV-220500). On that date, Staff conducted a LexisNexis background check report for Akerman. Staff also performed a Washington Access to Criminal History check with the Washington State Patrol. On August 2, 2022, Akerman voluntarily withdrew the initial application after issuance of Staff's Notice of Intent to Deny. Akerman reapplied for authority to operate as a household carrier in the state of Washington on June 9, 2023.

8 The reports disclose that the state of Washington convicted Akerman once for arson (in 2013), once for theft of a motor vehicle (in 2002), five times for third-degree theft (in 2005, 2007, 2010, 2012, and 2017), once for forgery (in 2007), once for attempted forgery (in 2007), once for assault (in 2002), once for violation of a domestic violence protective order (in 2003), once for resisting arrest (in 2007), once for making a false statement to a public servant (in 2007), and four times for driving without a license (in

² WAC 480-15-302(8)(a).

³ WAC 480-15-302(8)(b).

⁴ WAC 480-15-302(2).

⁵ WAC 480-15-302(13).

⁶ WAC 480-15-350.

2004, 2006, 2012, and 2019). Additionally, the state of Arizona convicted Akerman once for driving without proof of financial responsibility (1989), and once for driving without a valid license (in 1989).

- 9 Under WAC 480-15-302(8)(b), the Commission will deny operating authority to an applicant 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. Staff believes that the nature and extent of Akerman's theft, assault, and forgery convictions will likely interfere with the proper operation of a household goods moving company.
- 10 Under WAC 480-15-302(13), the Commission will deny operating authority when other circumstances justify doing so. Although WAC 480-15-302(8)(b) does not include arson, driving without a license, driving without proof of financial responsibility, making a false statement to a public servant, resisting arrest, or violating a no contact order as crimes that will cause the Commission to deny an application, Staff believes that these violations show a disregard for the law and provide an additional basis to deny the application under WAC 480-15-302(13).
- 11 Staff recommends the Commission deny the Application for Paul James Akerman d/b/a Paul the Mover for failure to meet the requirements of WAC 480-15-302(8)(b) and WAC 480-15-302(13). Staff bases this recommendation on Akerman's criminal history, which indicates that he poses an unacceptable risk to consumers and their belongings.

DISCUSSION

- 12 Based on the information Staff presented, the Commission agrees with Staff's recommendation and intends to deny the Application. Akerman's criminal history renders both Akerman and Paul the Mover unfit to operate as a household goods moving company.
- 13 Staff's findings support the conclusion that the Applicant failed to meet the requirements of WAC 480-15-302(8) and WAC 480-15-302(13), and that the Commission should deny the Application.

NOTICE

- 14 The Commission hereby provides notice of its intention to deny Paul James Akerman d/b/a Paul the Mover's application for provisional and permanent authority for failure to meet the application requirements in RCW 81.80 and WAC 480-15.
- 15 **NOTICE OF OPPORTUNITY FOR HEARING.** Paul James Akerman d/b/a Paul the Mover may request a hearing to contest the factual allegations set out in this notice. Paul James Akerman d/b/a Paul the Mover may request such a hearing by filing a written request for a hearing with the Commission by **July 14, 2023**. The request must be directed to the attention of Amanda Maxwell, Executive Director and Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, Olympia, WA 98504-7250, and must reference Docket TV-230466.
- 16 If Paul James Akerman d/b/a Paul the Mover requests a hearing by **July 14, 2023**, the Commission will schedule a brief adjudicative proceeding under RCW 34.05.482 and WAC 480-07-610. If Paul James Akerman d/b/a Paul the Mover does not request a hearing by that date, the Commission will enter an order rejecting the Application.

DATED at Olympia, Washington, and effective June 29, 2023.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

AMANDA MAXWELL
Executive Director and Secretary