

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of Determining the Proper
Carrier Classification of, and Complaint for
Penalties against:

MOVE FOR LESS LLC

DOCKET TV-190217

JOINT NARRATIVE SUPPORTING
SETTLEMENT AGREEMENT

I. INTRODUCTION

1 This Joint Narrative Supporting Settlement Agreement (Narrative) is filed pursuant to Washington Administrative Code (WAC) 480-07-740(3)(a) on behalf of Move for Less LLC (Move for Less or Company) and Staff of the Washington Utilities and Transportation Commission (Staff) (collectively, the Parties). The Parties have signed the settlement agreement (Agreement), which is being filed concurrently with this Narrative. This Narrative summarizes the Agreement. It is not intended to modify any terms of the Agreement.¹

II. PROPOSAL FOR REVIEW PROCEDURE

2 In accordance with WAC 480-07-740, the Parties propose the following settlement consideration procedure for review of the proposed Agreement. The Parties believe that this matter is a less complex matter under WAC 480-07-740(2)(b). Accordingly, the Parties submit that conducting a hearing will not assist the Commission to decide whether to approve and adopt the settlement because of the limited scope of the incident and the Company's cooperation with Staff. *See* WAC 480-07-740(2)(e).

¹ For clarity, no reference to "Move for Less LLC" or "Move for Less" in this Agreement or the supporting joint narrative shall be interpreted or construed to apply to Two Men and a Moving Van LLC d/b/a Move for Less.

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If the Commission conducts a hearing, however, the Parties will present one or more witnesses to testify in support of the Agreement and to answer questions concerning the Agreement's details, costs, and benefits. *See* WAC 480-07-740(3)(b). In addition, counsel for each party will be available to address any legal matters associated with the Agreement. The Parties intend to file one document (Attachment A) supporting the Agreement, in addition to the Agreement itself and this Narrative. If the Commission requires supporting documents beyond the Agreement, Narrative, and the other documents on file in this docket, the Parties will provide any documentation needed.

III. APPLICABLE LAW

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RCW 81.80.010(5) defines a "household goods company" in part as a person who "advertises, solicits, offers, or enters into an agreement to transport household goods as defined by the commission." RCW 81.80.010(8) defines a "person" to include a "company or corporation." A person may not advertise as a household goods carrier without first obtaining a household goods carrier permit from the Commission. *See* RCW 81.80.075(1). Any person who violates RCW 81.80.075(1) "is subject to a penalty of up to five thousand dollars per violation." RCW 81.80.075(4). When the "basis for the violation is advertising, each advertisement reproduced, broadcast, or displayed via a particular medium constitutes a separate violation." RCW 81.80.075(4)(a).

IV. SCOPE OF THE UNDERLYING DISPUTE

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On May 10, 2017, the Commission granted a temporary permit as a household goods carrier to Move for Less LLC (THG067660). Commission records list the Company's owner and contact person as Yuriy Deyneka.

6 On December 22, 2017, the Commission granted a temporary permit as a household goods carrier to Two Men and a Moving Van LLC (THG067981). Permit THG067981 remains active. Mr. Deyneka is also listed as the owner and contact name for Two Men and a Moving Van LLC.

7 On April 20, 2018, the Commission entered Order 01 in Docket TV-180338, in which the Commission cancelled Move for Less' temporary household goods carrier permit (THG067660) for insufficient proof of insurance.

8 On March 27, 2019, Staff found online advertisements on www.thumbtack.com for a household goods moving company called "Move for Less." A search of Commission records show that the Company was inactive on March 27, 2019 and remains inactive. That same day, Staff searched www.facebook.com for Move for Less, and located a business page with a phone number of (206) 822-2612 and a web address for the Company of www.moveforlesswa.com, which listed the same phone number. Staff then called (206) 822-2612 and, using an assumed name, obtained a quote for moving services including workers and a truck. This quote was confirmed by email.

9 On April 12, 2019, the Commission entered Order 01, Order Instituting Special Proceeding; Complaint Seeking to Impose Penalties; and Notice of Mandatory Appearance at Hearing, initiating this docket on its own motion. Order 01 alleged that the Company violated RCW 81.80.075(1) by offering and advertising to provide for transportation of household goods for compensation within the state of Washington without the necessary permit required for such operations. On the same date, the Commission issued a Subpoena and Subpoena Duces Tecum for Production of Documents to the Company commanding Mr. Deyneka, to

appear before the Commission at a special proceeding on May 14, 2019, and to bring the documents specified in the subpoenas.

10 Mr. Deyneka mistakenly believed that because he possessed a valid permit as a household goods carrier (THG067981) for Two Men and a Moving Van LLC on March 27, 2019, that he could continue using the trade name associated with his then-inactive company, Move for Less LLC. After learning that this was not the case, Mr. Deyneka submitted an application to the Commission to add the trade name “Move for Less” for use under Permit THG067981.

11 On May 8, 2019, the Commission granted the May 2, 2019 application by Two Men and a Moving Van LLC, filed under Docket TV-190341, to add the trade name “Move for Less” under Permit THG067981.

12 On May 14, 2019, Mr. Deyneka appeared at the special proceeding and requested a hearing to contest the allegations set forth in Order 01. The Commission concluded that a formal classification hearing was necessary to determine whether Move for Less had engaged in business as a household goods carrier for compensation within the state of Washington without possessing the permit required for such operations. The parties agreed to a hearing date of July 22, 2019.

13 On July 17, 2019, the Parties agreed to the terms of the Agreement and notified the Commission that they had reached a settlement in principle.

V. DESCRIPTION OF SETTLEMENT AGREEMENT

14 The Agreement resolves all of the issues in dispute in Docket TV-190217. The Parties agree to the following terms set forth in the Agreement:

15 Violation: The Company admits to the facts as set forth in the Narrative. In the
interest of expediency and to avoid the costs associated with a hearing, the Company agrees to
pay the penalties associated with the violations as described below.

16 Mitigating circumstances and reduced likelihood of future violations: As set forth in
the Narrative, due to the Company's cooperation with Staff, its subsequent conduct in
properly registering Move for Less as a Commission-approved trade name under Permit
THG067981, and other mitigating circumstances, Staff believes the likelihood of repeated
future violations to be low.

17 Suspended monetary penalty: The Commission will impose a penalty of \$250, with
\$250 suspended for a period of two years from the effective date of the Commission order
approving this settlement, based on the advertising violation. The suspended penalty will be
waived after the two year period provided that the Company refrain from operating as a
household goods carrier, including advertising, without prior authorization from the
Commission.

18 Future enforcement of allegations set forth in complaint: Staff confirms that it will not
pursue further enforcement against the Company arising out of any of the allegations set forth
in Docket TV-190217.

VI. STATEMENT OF IMPACT ON THE PUBLIC INTEREST

19 The Parties find it is in their best interests to avoid the expense, inconvenience,
uncertainty, and delay inherent in a litigated outcome. Likewise, it is in the public interest
that this dispute conclude without the further expenditure of public resources or litigation
expenses.

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In accordance with WAC 480-07-740-750, the Parties believe the Agreement is in the public interest and appropriate for the Commission’s acceptance without conditions under WAC 480-07-750(2)(a) for three reasons. First, given that the Company has already obtained Commission approval (on May 8, 2019) for the use of the trade name “Move for Less” under the permit for Two Men and a Moving Van LLC (THG067981), there is a low likelihood that the Company will again advertise as a household goods carrier without Commission authorization. Second, the Company’s cooperation with Staff and its prompt move to apply for the use of “Move for Less” as a trade name under Permit THG067981 demonstrates the Company’s understanding of the importance of compliance with Commission rules and intention to comply. Third, the suspended penalty will create an incentive for the Company to comply with the terms of the settlement and discourage future violations.

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The Commission has formally expressed its support for negotiated resolutions of enforcement actions. The rule states, “The commission supports parties’ informal efforts to resolve disputes without the need for contested hearings when doing so is lawful and consistent with the public interest” WAC 480-07-700. For the reasons stated above, the Parties contend that their Agreement is lawful and consistent with the public interest.

VII. CONCLUSION

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The Agreement resolves all of the issues in this docket and the Parties submit that their resolution complies with applicable legal requirements and is consistent with the public interest. The Parties respectfully request that the Commission issue an order approving the Agreement in its entirety.

DATED this 29th day of July, 2019.

MOVE FOR LESS LLC
COMPANY

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WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION

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