

## MEMORANDUM

To: David Pratt, Assistant Director  
Transportation Safety

From: Sharon Wallace, Assistant Director  
Consumer Protection and Communications

CC: Sally Brown, Senior Assistant Attorney General  
Mike Fassio, Assistant Attorney General  
Steve King, Director, Safety and Consumer Protection  
Rayne Pearson, Compliance Investigator

Date: July 3, 2012

Subject: Commission Staff's Response to Application for Household Goods Moving  
Company Permit for Oracle Marketing d/b/a Oracle Marketing Inc.,  
Docket TV-120766

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On May 24, 2012, the Utilities and Transportation Commission received household goods permit application 122579, filed in Docket TV-120766, for Oracle Marketing d/b/a Oracle Marketing Inc., a corporation. The application lists Chana Green as the applicant, but does not provide information regarding shareholders or other governing individuals. Staff recommends the application be denied for the reasons set forth below.

### **Background**

Ms. Green's first contact with the commission was on May 28, 2010, when she submitted a household goods permit application for C.E.G. Marketing d/b/a Olympic Van Lines. That application was withdrawn on September 2, 2010. In March 2011, staff received information that Olympic Van Lines was operating within the state of Washington without a permit. The company was contacted, and Ms. Green submitted a second application on May 2, 2011, for C.E.G. Marketing d/b/a Olympic Van Lines. That application was amended on August 31, 2011, changing the company's name to Oracle Marketing d/b/a Infinity Relocation.

During the course of the 2011 investigation, staff discovered numerous consumer complaints related to C.E.G. Marketing's business practices in other states. Staff learned that the company, doing business as Mayflower Moving & Storage, was the target of a sting led by a special task force in the state of California that shut down the company's operations and arrested several of its employees. Staff also received information regarding four complaints from Washington consumers that hired Olympic Van Lines to perform interstate moves. Each of the complaints

alleged that the company demanded additional payments of between \$1,800 and \$4,000 before it would agree to release the customer's goods.<sup>1</sup>

Staff recommended that Oracle Marketing d/b/a Infinity Relocation's permit application be denied. That application was ultimately dismissed for failure to meet application requirements on September 1, 2011, in Docket TV-110805.

On May 24, 2012, Ms. Green submitted the most recent application for household goods authority as Oracle Marketing d/b/a Oracle Marketing Inc.

### **Grounds for Denying Application for Household Goods Permit**

#### **1. WAC 480-15-330(4)(b) The application indicates evidence of fraud, misrepresentation, or erroneous information.**

The commission's household goods permit application includes the following question: "Do you have, or have you ever had a business-related legal proceeding against you in Washington, or in any other state?" Ms. Green answered "No" on the application.<sup>2</sup>

Chana Green was a named officer and the designated Qualifier<sup>3</sup> for the California corporation City Transport, Inc. d/b/a Mayflower Moving & Storage (City Transport). In July 2010, the California Public Utilities Commission conducted an investigation into the business practices of City Transport and issued a \$10,000 penalty for violations of California laws and rules related to household goods carriers. City Transport was ordered to refund more than \$19,000 to affected customers.<sup>4</sup> The \$10,000 penalty remains unpaid, and only four of the 15 affected customers have been refunded a total of \$1,488.34 to date. On November 20, 2010, City Transport's household goods permit was revoked for noncompliance with the CPUC's citation and order.<sup>5</sup>

Ms. Green's answer that she has never had a business-related legal proceeding against her in any other state is a misrepresentation of a material fact, at best.

#### **2. WAC 480-15-330(4)(g) Other circumstances exist that cause the commission to believe issuing the permit is not in the public interest.**

In addition to the four Washington consumers cited in staff's 2011 memorandum that were negatively impacted by Ms. Green's former corporate incarnation, C.E.G. Marketing, the Washington Better Business Bureau has records of 15 consumer complaints filed in the last year. Information on the BBB's website states that "BBB has received a pattern of complaints from

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<sup>1</sup> See June 15, 2011, Staff Memorandum recommending that C.E.G. Marketing d/b/a Olympic Van Lines permit be denied, attached as Appendix A.

<sup>2</sup> See page 4 of the HHG Application for Oracle Marketing, attached as Appendix B.

<sup>3</sup> California law requires all household goods carriers to designate a "Qualifier" who is responsible for (and tested on) household goods laws and the tariff.

<sup>4</sup> See June 12, 2012, email between Joe Iljas, Investigator for the CPUC and myself, attached as Appendix C, as well as copies of Mr. Iljas's investigation report and the corresponding citation CF-51751, attached as Appendix D.

<sup>5</sup> See permit information obtained from CPUC's website on June 27, 2012, attached as Appendix E.

consumers alleging this company originally offers a low quote, then substantially increases the cost once the move is in progress and consumers are unable to cancel services. Complaints further allege consumers' household goods are not delivered within the agreed-upon time frame, and when the goods do arrive, the belongings are damaged and items are missing."<sup>6</sup>

The CPUC's investigation of City Transport alleged the same pattern of consumer harm. Fifteen consumers were overcharged a total of \$19,057.97. The CPUC received 20 consumer complaints alleging overcharge and/or loss and damage of customer goods.

The Federal Motor Carrier Safety Administration's website, [www.protectyourmove.gov](http://www.protectyourmove.gov), shows records for 13 complaints against City Transport between 2009 and 2011. Seven of those complaints contained allegations that the company held the customer's goods hostage.<sup>7</sup> The website also shows records for 18 complaints against Oracle Marketing Inc., DOT Number 2029028 (the same DOT number on Oracle Marketing's application with the commission) between 2010 and 2012. Six of those complaints alleged that the company held the customer's goods hostage.<sup>8</sup>

### **Recommendation**

Staff recommends that Oracle Marketing d/b/a Oracle Marketing Inc.'s application for a household goods permit be denied on the grounds stated above.

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<sup>6</sup> See information obtained from the BBB's website on June 8, 2012, attached as Appendix E.

<sup>7</sup> See information regarding City Transport obtained from the FMCSA's website on June 28, 2012, attached as Appendix F.

<sup>8</sup> See information regarding Oracle Marketing obtained from the FMCSA's website on June 28, 2012, attached as Appendix G.

# **APPENDIX A**

## MEMORANDUM

**TO:** David Pratt, Assistant Director

**FROM:** Sharon Wallace, Assistant Director  
Travis Yonker, Compliance Investigator

**DATE:** June 15, 2011

**SUBJECT:** C.E.G. Marketing d/b/a Olympic Van Lines

### Issue

C.E.G. Marketing d/b/a Olympic Van Lines (CEG) has applied for household goods authority in Washington. During the course of its investigation, however, staff received information regarding CEG's business practices that has led staff to believe granting the company household goods authority is not in the public interest.

### Rule

WAC 480-15-330 states that when determining if an application for household goods authority is "fit, willing and able to provide the proposed services," the commission "will consider statements and reports including any information provided by the applicant and other members of the public." The rule also provides a list of reasons for which the commission may deny an application for household goods authority, including when "[o]ther circumstances exist that cause the commission to believe issuing the permit is not in the public interest."

### Background

Staff first became aware of CEG when it applied for household goods authority in Washington on May 28, 2010. On September 2, 2010, the company notified the commission that "it does not wish to proceed with the application" and that it "requested that the application be withdrawn and the proceeding dismissed." On September 3, 2010, the commission issued Order 01 in Docket TV-100955, dismissing CEG's application.

In March 2011, compliance investigations staff received a report from a member of the public that CEG was operating in Washington without first obtaining a permit. After an investigation, on March 23, 2011, staff sent a compliance letter to Chana Green, the apparent owner of CEG, at three different known addresses. The compliance letter instructed Ms. Green to apply for household goods authority, and described the penalties for continuing operations without a permit.

On May 2, 2011, Chana Green submitted an application for household goods authority to the commission. On May 5, 2011, commission licensing staff sent a Notice of Deficient Application in Docket TV-110805, citing six deficiencies in the company's application. As of the date of this memorandum, CEG's application remains deficient and licensing staff has received no further information to indicate the company is addressing the deficiencies.

Meanwhile, compliance investigations staff has continued to receive information regarding CEG's questionable business practices. CEG, which also uses the business name "Olympic Van Lines," appears to have led customers to believe that CEG is actually "Olympic Moving & Storage," a separate permitted company. Olympic Moving & Storage has been contacted by numerous CEG customers who believe Olympic Moving & Storage is the company responsible for their interstate moves. While CEG apparently remains in good contact initially with the customer, once the customer becomes dissatisfied with the progress of the move, CEG will stop answering the telephone or returning messages. As a result, the customer then conducts additional research on the company and contacts Olympic Moving & Storage, the permitted company, thinking that it is the same company as CEG. As of the date of this memorandum, staff is aware of the following four customer complaints:

- In April 2011, October Shipman hired CEG for her residential move from Longview, Washington, to Florida. Before CEG delivered Ms. Shipman's belongings in Florida, the company notified her that she would need to pay an additional \$4,000 in order to receive her belongings.
- In April 2011, Bouque Roberts hired CEG for his residential move from Federal Way, Washington, to Georgia. Before CEG delivered Mr. Roberts' belongings in Georgia, the company notified him that his belongings had been re-weighed and he would have to pay an additional \$2,000 in order to receive his belongings. Mr. Roberts also stated that he did not receive his belongings until approximately 30 days after the expected delivery date. Mr. Roberts stated that he had local law enforcement present for the delivery.
- In May 2010, Ashley Kingsley hired CEG for her residential move from Seattle, Washington, to California. Ms. Kingsley stated CEG gave her an original estimate of \$945 for her move. On the date of the scheduled delivery, CEG called Ms. Kingsley, told her that her belongings had been re-weighed, stated the delivery would be late by two or three days, and that Ms. Kingsley would have to pay an additional \$1,800.
- In June 2010, Jeanie Graham hired CEG for her residential move from Seattle, Washington, to Maryland. Ms. Graham stated that CEG gave her an original estimate of \$1636 for her move, which was paid at the time the company picked up her belongings. Before delivery, CEG called Ms. Graham, stated her belongings had been re-weighed, and said she had to pay an additional \$2,400.

Although these customer complaints are interstate moves, staff is concerned that the company will use similar practices with customers in intrastate moves. As of this date, there have been no customer complaints associated with intrastate moves.

Further, in November 2010, CEG was the subject of a special task force in California in which a number of federal, state and local government agencies worked together to shut down the company's operations in California, and also arrested a number of individuals working at the company's office. According to a news release from the Santa Clara County District Attorney's Office, CEG's business practices are as follows: "[t]he fraudulent movers offer low prices over the Internet, but increase the charges using various scams, including fraudulently 'reweighing' goods and using extra packaging materials which are billed at exorbitant rates. The movers then hold the customers' goods hostage until those consumers pay the inflated charges." It appears that once CEG's operations in California were shut down, the company transferred its operations to the Seattle area.

#### **Recommendation**

Based on the information staff has received from various sources, CEG has a recent history of engaging in deceptive and fraudulent business practices. Staff does not believe it to be in the public's best interest to grant CEG household goods authority in Washington, and staff recommends the pending application be denied.

## **APPENDIX B**



Choose one of the following for the territory in which you wish to operate:

All counties in the State of Washington

The following named counties only: \_\_\_\_\_

Describe the services you wish to provide. Explain how your services will enhance customer choice, promote competition, or fill an unmet need for service:

I wish to provide my customers with moving services at the most affordable rates. Also I will provide stellar performance to meet the customers needs.

Briefly describe your experience in the transportation/household goods moving industry:

I successfully operate and own my own moving + storage company.

Do you currently hold, or have you ever held, a permit to operate as a motor carrier of property?

No  Yes If yes, please indicate your permit number 712961

Have you ever applied for and been denied a permit to operate as a motor carrier of property in Washington?  No  Yes If yes, please explain \_\_\_\_\_

Do you currently operate interstate?  No  Yes If yes, please indicate your MC# 712961 and USDOT# 2029628

Do you operate interstate as an agent of another company?  No  Yes If yes, what is the name of the company? \_\_\_\_\_

Do you have, or have you ever had a business related legal proceeding against you in Washington, or in any other state?  No  Yes If yes, please explain: \_\_\_\_\_

Have you ever been convicted of a crime?  No  Yes If yes, please explain: \_\_\_\_\_

Have you been cited for violation of state laws or Commission rules?  No  Yes If yes, please explain: \_\_\_\_\_

## **APPENDIX C**

**Pearson, Rayne (UTC)**

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**To:** Iljas, Joe  
**Subject:** RE: CEG Marketing dba Mayflower Moving & Storage/Olympic Van Lines

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**From:** Iljas, Joe [mailto:joe.iljas@cpuc.ca.gov]  
**Sent:** Tuesday, June 12, 2012 10:51 AM  
**To:** Pearson, Rayne (UTC)  
**Subject:** RE: CEG Marketing dba Mayflower Moving & Storage/Olympic Van Lines

Hello, Rayne,

It was good speaking with you. As I mentioned the company I investigated was City Transport Inc. dba Mayflower Moving & Storage and about 6-7 other names. The principal officer was Avichai (Avi) Minkoff. Chana Green was an officer of the corporation and was also the qualifier (as discussed, the in-house expert on the tariff). Although we were unable to find evidence to support our belief, the true power behind the company was Ehud (Udi) Shlush. He was in the office almost every day and tried to present himself as a salesperson. However, he signed the company checks although the name he signed was "Minkoff".

City Transport was issued a citation in the amount of \$10,000 and also order to make restitutions in the amount of \$19,057.97 to consumers. Only 4 consumers ever saw refunds (#4, #5, #6 and #8) from the table on page 7 of my report. No payment was ever made towards the citation. After City Transport closed their office in Santa Clara County, CEG opened an office in San Mateo County. On a visit to the CEG office to demand documents, a salesperson placed a call to his boss, Avi Minkoff and not Chana Green, for permission to release some reports. Minkoff remotely locked their computer system so that the salesperson would not have access.

Copies of my report were provided to the Santa Clara and San Mateo county District Attorney's offices.

I have attached a copy of my report, as requested. Please contact me if you have any additional questions.

*Joe Iljas*

Joe Iljas, Investigator / Badge #1012  
California Public Utilities Commission  
Consumer Protection & Safety Division  
Transportation Enforcement Section  
505 Van Ness Avenue, 2nd Floor  
San Francisco, CA 94102  
tel (415) 703-2236  
fax (415) 703-5882  
email: [jzi@cpuc.ca.gov](mailto:jzi@cpuc.ca.gov)

## **APPENDIX D**

**Investigators:** Joe Iljas  
Maritza Perez

**Case HHG-1748**

**CASE SUMMARY**

**Entity Name:** City Transport Inc., a California Corporation  
dba Mayflower Moving & Storage, US Movers, US and Movers,  
Liberty Van Lines, Liberty Relocation

Corporation No. C3094634, Incorporated April 1, 2008  
Status - Active

**Officers:** Avi Minkoff, President

**Address:** 3250 Victor Street, Suite A  
Santa Clara, CA 95054

**Phone:** (408) 230-0300

**Authority:** Household Goods Carrier Permit MTR-190494  
Issued July 21, 2008 – Status Active

**Employees:** Undetermined

**PL&PD Insurance:** United Financial Casualty Company  
Policy # CA06634998, Effective December 2, 2008

**Cargo Insurance:** Adriatic Insurance Company  
Policy # CA06634998, Effective December 2, 2008

**Workers' Compensation Insurance:** State Compensation Insurance Fund  
Policy # 1909226-08, Effective July 17, 2008

**Revenue:**

2009 – 3 <sup>rd</sup> Quarter:	\$ 32,966
2009 – 2 <sup>nd</sup> Quarter:	\$160,215
2009 – 1 <sup>st</sup> Quarter:	\$ 87,706
2008 – 4 <sup>th</sup> Quarter:	\$235,570
2008 – 3 <sup>rd</sup> Quarter:	\$143,873

## NARRATIVE

Due to numerous consumer complaints received, on May 26, 2009, Joe Iljas and Maritza Perez were assigned to investigate the operations and business practices of City Transport Inc., formerly doing business as Mayflower Moving & Storage and currently doing business as US Movers (hereinafter, CTI).

## PRIOR ENFORCEMENT HISTORY

On August 25, 2008, CTI was served with an Official Notice [Attachment 1] for violations of the following provisions in the Commission's Maximum Rate Tariff 4 (Max 4):

1. Provided an online estimate without performing a visual inspection of the goods to be moved [Item 108 (1)(a)].
2. Failed to provide a T-number and all business names on all documents or respond to loss and damage claims in a timely manner [Item 88 (3)].

## VIOLATIONS

Our investigation for the period of January 1, 2009 through June 15, 2009, disclosed the following violations of the Public Utilities Code (PUC) and Max 4.

- **Operated as a household goods carrier after suspension of its permit, in violation of PUC section 5286. [5 counts]**

The Commission License Section's official records showed that on May 12, 2009, a Notice of Impending Suspension was sent informing CTI that if evidence of adequate cargo insurance coverage was not received by May 22, 2009, its permit would be suspended. On May 22, 2009, CTI's permit was suspended and an Order of Suspension was sent directing CTI to not operate unless and until its permit was reinstated. CTI's permit was reinstated on June 29 2009, when License Section received a new certificate for cargo insurance from Adriatic Insurance Company, Policy # CA06634998, showing effective May 22, 2009. Attachment 2 contains copies of License Section notices.

Our review of CTI's records show that CTI conducted moves for at least five (5) days during the period of its permit suspension [Table 1 & Attachment 3].

<b>Date of Move</b>	<b>Shipper Name</b>	<b>Ref #</b>
05/23/09	Joan Cairns	C280656
05/31/09	Frank Rossini	C283701
06/13/09	Violet Duran	C284154
06/19/09	Rajindra Gunasekara (Dinushi)	C284018
06/20/09	Judi Wolowitz	C282685

- **Failed to provide Commission staff access to records, in violation of PUC section 5225. [2 counts]**

PUC section 5225 states that staff shall “at all times have access to all lands, buildings, and equipment of household goods carriers in this state, and also all accounts, records, and memoranda, including all documents, books, papers and correspondence...”

On at least two (2) occasions [July 24, 2009 and October 2, 2009], CTI refused or was unable to produce, when requested, the original documents related to the moves it performed [Table 2]. The request on July 24, 2009 was made verbally; a copy of the letter dated October 27, 2009 appears in Attachment 4.

<b>Date of Request</b>	<b>Shipper Name</b>	<b>Ref #</b>
07/24/09	Thomas Guarino	C260311
10/02/09	Monica Hengesbach	C285254
10/02/09	Laurie Manikowski	C285371
10/02/09	Cheryl Dell	C285493
10/02/09	Jean Wesolowski	C286230

- **Failed to provide shippers with the “Important Notice About Your Move” document at least 3 days prior to the move date, in violation of PUC section 5143, and Max 4, Item 130. [42 counts]**

PUC section 5143 and Max 4, Item 130 state that the carrier shall provide the shipper a completed “Important Notice About Your Move” document [Important Notice] at least three (3) days prior to the date of the scheduled move. If shipper requests for service on less than three (3) days’ notice, then carrier may not commence any services until the shipper has signed and received a signed copy of the Important Notice. Any waiver of this requirement is void and unenforceable.

PUC section 5143 and Max 4, Item 130 also require that the “Important Notice About Your Move” document shall contain a Not To Exceed Price that is just and reasonable, and is established in good faith by the carrier based on the specific circumstances of the services to be performed.

Our review of the 42 Confirmation documents showed that CTI did not issue the Important Notice document to the shippers on *any* of the moves, even when 32 of the moves showed that the number of days between the book date and the move date far exceeded the 3 days' notice [Table 3].

Our review of the moving documents disclosed that of the 42 moves, 20 (48%) were not quoted a Not To Exceed Price (NTE) and 4 (10%) showed that the actual cost exceeded the NTE that was quoted. We found that the NTE fell between 100% of the cost of the move (i.e., equivalent to the cost of the move) and 985% (i.e., almost 10 times the actual cost of the move). Our calculation showed that the mean was 189% and the median was 140%. For example, Wanda McCulloh [Attachment 5] is at the mid point (i.e., median) in regards to the range of NTE. Her entire move cost \$2,146 [\$1,386 for packing materials and 8 hours of labor]. CTI would have had to perform an additional 9 hours of labor to reach the \$3,000 NTE quoted.

Table 3 -- Summary of Violations							Max4 Violations		
	Shipper Name	Ref # / Complaint #	Not to Exceed Price (NTE) Actual Cost (AC) NQ-Not Quoted	% of NTE over actual cost	Date B-Book M-Move	# of days between book & move dates	Section 5143 Item 130 (Note 1)	Item 88(9)(b) Booklet (Note 2)	Item 128(1) (Note 3)
1	Bracken, Inez	C261249 20090341	NTE - NQ AC - \$2,473.14	n/a	B-8/19/08 M-8/26/08	7	X	x	x
2	Montejo, Wil	C259892 2009340	NTE - \$3,000 AC - \$1,580.50	189	B-8/5/08 M-8/28/08	23	X	x	x
3	Perrin, Robert	C262252 20090331	NTE - \$10,000 AC - \$1,015.33	266	B-10/7/08 M-10/14/08	7	X	x	x
4	Gay, Charles	C264025 20090330	NTE - \$10,000 AC - \$3,763	985	B-10/2/08 M-10/17/08	15	X	x	x
5	Guarino, Thomas	C260311 20090484	NTE - \$10,000 AC - \$5,258	190	B-8/5/08 M-10/25/08	81	X	x	x
6	Rogers, Steve	C264980 20090316	NTE - \$10,000 AC - \$3,678	272	B-10/17/08 M-11/7/08	21	X	x	x
7	Sloatman, Lindsey	C268303 20090332	NTE - \$650 AC - \$650	100	B-11/23/08 M-11/26/08	3	X		x
8	Thompson, Michael	C267829 20090475	NTE - \$1,450 AC - \$1,450	100	B-11/18/08 M-11/26/08	8	X	x	x
9	Niemi, Ilona	C268922 20090167	NTE - \$1,500 AC - \$1,399	107	B-12/3/08 M-12/12/08	9	X	x	x
10	McCulloh, Wanda	C262708 20090241	NTE - \$3,000 AC - \$2,146	140	B-9/10/08 M-12/24/08	105	X	x	x
11	Hauser, Ray	C271534 20090166	NTE - \$10,000 AC - \$8,283.17	121	B-1/12/09 M-2/7/09	26	X	x	x
12	Jenkins, Gamille	C271866 20090317	NTE - NQ AC - \$688	n/a	B-1/21/09 M-2/14/09	24	X	x	x
13	Carlson, Richard	C275506 20090142	NTE - NQ AC - \$1,835	n/a	B-2/25/09 M-3/5/09	8	X	x	x
14	Riley, Norene	C280309 20090153	NTE - NQ AC - \$1,201.70	n/a	B-4/16/09 M-4/24/09	8	X	x	x



15	<i>Rossini, Frank</i>	C283701 20090244	NTE – NQ AC- \$3,970	n/a	B-5/28/09 M-5/31/09	3	X		x
16	<i>Wolowitz, Judi</i>	C282685 20090327	NTE – NQ AC- \$4,000	n/a	B-5/12/09 M-6/20/09	39	X	x	x
17	<i>Patterson, Jane</i>	C284999 20090329	NTE – NQ AC- \$3,093	n/a	B-7/9/09 M-7/11/09	2	X		
18	<i>Manikowski, Laurie-move #1</i>	20090338	NTE – NQ AC- \$887	n/a	B-7/18/09 M-7/19/09	1	X		
19	<i>Manikowski, Laurie-move #2</i>	C285371 20090338	NTE – NQ AC- \$300	n/a	B-7/19/09 M-7/23/09	4	X	x	X
20	<i>Hengesbach, Monica</i>	C285493 20090352	NTE – \$2,578.50 AC- \$2,578.50	100	B-7/20/09 M-8/1/09	12	X	x	X
21	<i>Dell, Cheryl</i>	C285493 20090387	NTE – \$2,375.41 AC- \$5,500	n/a	B-7/22/09 M-9/17/09	57	X	x	X
22	<i>Wesolowski, Jean</i>	C286230 20090417	NTE – NQ AC- \$819	n/a	B-8/14/09 M-8/21/09	7	X	x	
23	<i>Hall, Kathy</i>	C285266 20090519	NTE – NQ AC - \$2,080	n/a	B-7/25/09 M-7/29/09	4	X	x	X
24	Ryle, Diane	C284686	NTE – NQ AC- \$2,444	n/a	B-6/29/09 M-7/25/09	26	X	x	X
25	Myers, Carol	C284738	NTE – \$1,499 AC- \$1,499	100	B-7/1/09 M-7/14/09	14	X	x	X
26	Derdenger, Kris	C284851	NTE – \$1,463 AC- \$1,463	100	B-7/6/09 M-7/11/09	5	X	x	X
27	Gunasekara, Rajindra	C284018	NTE – NQ AC- \$819	n/a	B-6/6/09 M-6/19/09	12	X	x	X
28	Duran, Violet	C284154	NTE – NQ AC- \$2,532	n/a	B-6/10/09 M-6/13/09	3	X		X
29	Cairns, Joan	C280656	NTE – NQ AC- \$1,378	n/a	B-4/20/09 M-5/23/09	33	X	x	X
30	Carr, Regina	C280577	NTE – NQ AC- \$4,130	n/a	B-4/18/09 M-5/03/09	15	X	x	X
31	Robinson, Keri	C279911	NTE – NQ AC- \$5,581.80	n/a	B-4/10/09 M-4/25/09	15	X	x	X
32	Mortellaro, Tina	C278824	NTE – NQ AC- \$2,774.70	n/a	B-3/31/09 M-4/8/09	8	X	x	X
33	Brown, Jay	C278581	NTE – NQ AC- \$527	n/a	B-3/28/09 M-3/29/09	1	X		
34	Wiant, Elizabeth	C276306	NTE – \$3,500 AC- \$3,500	100	B-3/4/09 M-3/15/09	11	X	x	X
35	Balcom, Rebecca	C274984	NTE – NQ AC- \$930.30	n/a	B-2/18/09 M-2/21/09	7	X	x	X
36	Reyez, Veronica	C274169	NTE – NQ AC- \$1,500	n/a	B-2/10/09 M-2/11/09	1	X		
37	Eisenmann, Brooke	C271924	NTE – \$2,000 AC- \$1,055	190	B-1/15/09 M-1/30/09	15	X	x	X
38	Destree, Tamara	C272916	NTE – \$1,000 AC- \$651	154	B-1/28/09 M-1/30/09	2	X		
39	<i>Thomas, Kim</i>	C260754 20090313	NTE – \$1,000 AC- \$1,030	n/a	B-8/12/09 M-8/20/09	8	X	x	X
40	<i>Holloway-Dixon, Carolyn</i>	C262042 20090391	NTE - \$460 AC - \$1,030	n/a	B-8/29/09 M-9/5/09	7	X	x	X
41	<i>Gilson, Dirk</i>	C264448 20090442	NTE – \$1,807 AC- \$7,623	n/a	B-10/7/09 M-10/27/09	7	X	x	X

42	<i>Wetzel, Debbie</i>	C263233 20090109	NTE - \$10,000 AC- \$3,131	319	B-9/19/09 M-10/5/09	16	X	x	x
<b>Total Violations</b>							<b>42</b>	<b>34</b>	<b>36</b>

*Italic bold* – denotes shippers who filed complaints with PUC

Note 1 - Failed to issue Important Notice document (41 counts), failed to issue 3 days prior to move date (1 count) and/or quoted an unreasonable NTE

Note 2 - Failed to provide Important Informational booklet 3 days prior to move date

Note 3 – Failed to provide a completed or blank Agreement for Services 3 days prior to move date

- Failed to provide the “Important Information for Persons Moving Household Goods” booklet in violation of PUC section 5139 and Max 4, Item 88 (9)(b). [34 counts]

Max 4, Item 88, section 9(b) requires that if a move is arranged where there is no in-person contact with the prospective shipper, the carrier shall send via regular mail the booklet accompanied by the Agreement for Moving Services prior to moving day, if sufficient time remains to do so.

Of the 42 documents reviewed, 34 were arranged more than three (3) days prior to the date of the [Table 3]. Attachments 3 and 5 contain representative samples of the moving documents.

- Failed to provide the Agreement for Moving Services at least three (3) days prior to scheduled move date, in violation of PUC section 5139 and Max 4, Item 128 (1). [36 counts]

Max 4, Item 128(1) states that carrier shall provide shipper with a completed Agreement for Moving Services, no less than three (3) days before moving date. Exception 2 allows the shipper to waive the three-day rule, however, carrier shall provide shipper with a blank copy of the Agreement so that the shipper can read the terms, conditions, and limitations printed on the Agreement.

Of the 42 documents reviewed, 36 moves were arranged more than three (3) days prior to the date of the move but CTI did not provide the Agreement until the day of the move [Table 3].

Attachments 3 and 5 contain representative samples of the moving documents.

- Charged more than the maximum rates approved by the Commission through false billing the use of a device to increase moving costs resulting in overcharges to consumers in violation of PUC section 5197. [15 counts]

The Commission’s Consumer Intake Unit (CIU) is responsible for handling consumer complaints against moving companies. CIU received twenty (20) consumer complaints alleging overcharge and loss and damage.

Our review of the paperwork provided by the consumers and the carrier disclosed that CTI has violated various provisions of the Public Utilities Code and MAX 4 rules as outlined in staff's letter. Based on our findings, on November 24, 2009, staff issued a letter to CTI directing it to refund monies by December 1, 2009. To date, CTI has resolved four (4) of the 20 complaints and one (1) consumer opted to file suit in Small Claims Court. The remaining 15 complaints [Table 4] are still outstanding. Attachment 5 contains copies of staff's letter, complaints and documents provided by consumers and CTI.

#	Complaint Number	Shipper	Date of Letter	Overcharge/ Refund Amount
1	20090341	Montejo	11/24/09	\$780.50
2	20090331	Perrin	11/24/09	\$2,044.93
3	20090330	Gay	11/24/09	\$451.00
4	20090332	Sloatman	11/24/09	\$149.29
5	20080475	Thompson	11/24/09	\$392.05
6	20090241	McCulloh	11/24/09	\$290.00
7	20090166	Hauser	11/24/09	\$6,679.86
8	20090317	Jenkins	11/24/09	\$263.00
9	20090142	Carlson*	11/24/09	\$1,100.01
10	20090153	Riley*	11/24/09	\$657.20
11	20090329	Patterson	11/24/09	\$1,724.42
12	20090338	Manikowski *	11/24/09	\$407.00
13	20090352	Hengesbach *	11/24/09	\$1600.12
14	20090387	Dell *	11/24/09	\$2,124.59
15	20090417	Wesolowski *	11/24/09	\$394.00
				<b>\$19,057.97</b>

\* Carrier failed to produce *original* documents for these shippers

- Deviated from packing materials charges to be observed in Max 4, Item 340, in violation of PUC section 5139 and Max 4, Item 16 (2). [4 counts]

Max 4, Item 16, subparagraph (2) states that the "rates provided in Item 340 shall apply for the accessorial services of packing, unpacking and sale of containers."

Of the 42 documents reviewed, five (5) local moves based on hourly rates included charges for packing labor in addition to the cost of containers sold [Table 5]. Max 4, Item 340, Note 4, states that the hourly rates in paragraph 2 may be used in lieu of the packing and unpacking rates in paragraph 1 if the carrier and shipper agree to such application before the service commences. The consumers were charged for both the hourly rate and packing labor. Three (3) shippers confirmed that they did

not request any packing or additional services. One (1) shipper requested packing and the service was performed by the same crew dispatched to conduct the move; CTI did not send additional staff solely for packing purposes. None of these four (4) shippers should have been assessed packing labor charges in addition to the hourly rate. Attachment 5 contains a representative sample of Packing Materials Order forms listed in Table 5.

<b>#</b>	<b>Shipper Name</b>	<b>Job # / Complaint #</b>	<b>Packing Labor Charge</b>
1	Perrin, Robert	C262252 / 20090331	\$364.00
2	Sloatman, Lindsey	C268303 / 20090332	\$48.04
3	Thompson, Michael	C267829 / 20090475	\$131.99
4	Patterson, Jane	C284999 / 20090329	\$783.22
			<b>\$1,327.25</b>

- **Failed to charge distance rate on moves that exceed 100 constructive miles, in violation of PUC section 5139 and Max 4, Item 16 (1)(b). [2 counts]**

Max 4, Item 16, subparagraph 1(b) states that distance rates shall apply for transportation of shipments with distances in excess of 100 constructive miles. Max 4, Item 40 states that the distances must be "...computed in accordance with the method provided in the Distance Table." Attachment 6 contains Combined Agreements for Montojo and Gilson.

1. Wil Montojo – moved from Santa Rosa in Sonoma County to Sacramento. This is a distance of 104 constructive miles according to Distance Table 8. Montojo was charged an hourly rate.
2. Dirk Gilson - moved from El Dorado Hills, El Dorado County, to Boulder Creek, Santa Cruz County. This is a distance of 180 constructive miles according to Distance Table 8. Gilson was charged an hourly rate.

- **Deviated from the units of measurement to be observed in violation of PUC section 5139 and Max 4, Item 44. [1 count]**

Max 4, Item 44 requires that rates and charges not be assessed based upon a unit of measurement different from those stated in the tariff. The distance rates in Max 4 are per 100 pounds. Moving documents on the Ray Hauser’s move [Attachment 7] showed that CTI assessed a rate per pound.

- **Failed to apply correct charges based on weight certificates, in violation of PUC section 5139 and Max 4, Item 80. [3 counts]**

Max 4, Item 80 requires that charges assessed shall be based upon the weight of the property tendered for transportation.

On two moves [Guarino and Hauser], CTI charged in excess of the actual weight of the shipment shown on the weight certificate.

On the Cheryl Dell's move, CTI refused or was unable to produce the weight certificate or any other moving documents. The shipper only had a copy of the Order for Service that she received on July 29, 2009 when she booked her move. Her shipment was estimated at 6,000 pounds and she received a quote of \$2,375.41. Ms. Dell paid \$4,500 for the move and claimed she was not provided with a copy of the freight bill or any other moving documents either prior to or at the conclusion of her move. Attachments 5 and 8 contain copies of the moving documents that are shown in Table 7.

Date of Move	Shipper Name	Ref #	Weight (Actual)	Weight (Charged)
07/24/09	Thomas Guarino [Attachment 5]	C260311	6,920 lbs.	9,000 lbs.
10/02/09	Ray Hauser [Attachment 8]	C271534	13,360 lbs.	16,000 lbs.
10/02/09	Cheryl Dell [Attachment 8]	C285493	no certif.	not known

- Failed to disclose all charges and willfully quoted a lower rate or charge knowing the actual rate or charges will be more than the quoted rate in violation of PUC section 5139 and Max 4, Item 88(8)(e). [27 counts]

We reviewed 41 Agreements [22 of which are complaints] disclosed that in at least 27 Agreements, a fuel surcharge was unlawfully added to the final bill of the move. The Confirmations (rate quotes) given to these 27 shippers showed that at the outset, CTI failed to disclose the fuel surcharge as one of the charges for the move. Consumers are led to believe at the time, that CTI had lower rates than their competitors, and thus they engaged CTI to perform the moves. However, the actual rates are higher than the rates quoted after the fuel surcharge is added to the final bills. Table 7 lists unlawful assessment of fuel surcharges; names in *bold italic* are consumer complaints received by PUC. Attachment 5 contains representative samples of Agreements and Confirmations that are shown in Table 7.

Table 7 – Unlawful Assessment of Fuel Surcharges							
	Shipper Name	Job #	Charge		Shipper Name	Job #	Charge
1	<i>Bracken, Inez</i>	C261249	\$117.76	15	Myers, Carol	C284738	\$98.00
2	<i>Gay, Charles</i>	C264025	\$46.00	16	Derdenger, Kris	C284851	\$96.00
3	<i>Sloatman, Lindsey</i>	C268303	\$82.50	17	Gunasekara, Rajindra	C284018	\$75.00
4	<i>Niemi, Hona</i>	C268922	\$35.00	18	Duran, Violet	C284154	\$110.00
5	<i>McCulloh, Wanda</i>	C262708	\$97.00	19	Cairns, Joan	C280656	\$65.00
6	<i>Riley, Norene</i>	C280309	\$57.20	20	Carr, Regina	C263233	\$82.50
7	<i>Rossini, Frank</i>	C283701	\$190.00	21	Robinson, Carl	C279911	\$265.80
8	<i>Wolowitz, Judi</i>	C282685	\$200.00	22	Brown, Jay	C278581	\$25.00
9	<i>Patterson, Jane</i>	C284999	\$51.00	23	Balcom, Rebecca	C274984	\$44.30
10	<i>Manikowski, Laurie (move #1)</i>	C_____	\$42.00	24	Destree, Tamara	C272916	\$31.00
11	<i>Manikowski, Laurie (move #2)</i>	C285371	\$15.00	25	<i>Thomas, Kim</i>	C260754	\$49.00
12	<i>Hengesbach, Monica</i>	C285254	\$168.00	26	<i>Holloway-Dixon, Carolyn</i>	C262042	\$50.00
13	<i>Wesolowski, Jean</i>	C286230	\$39.00	27	<i>Hall, Kathy</i>	C285266	\$100.00
14	Ryle, Diane	C284686	\$159.00				
<b>TOTAL FUEL SURCHARGES</b>						<b>\$2,302.06</b>	

*Italic bold* – denotes shippers who filed complaints with PUC

- Failed to respond to claims for loss and/or damage according established timeframes, in violation of PUC section 5139 and Max 4, Item 92. [22 counts]

Max 4, Item 92(16) requires a carrier to maintain a claim register, showing the following information for each loss and damage claim received: 1) the claim number, date and amount; 2) the shipping order or freight bill number and date; 3) name of claimant; 4) kind of commodity; 5) date claim was paid; 6) total amount paid or date claim was disallowed and reason; 7) amount of salvage recovered, if any; 8) amount reimbursed by insurance companies; and 9) the amount absorbed by the carrier.

CTI was unable to or refused to produce the claim register and/or copies of documentation of claims for loss and damage it received from shippers. A total of 42 documents were reviewed and of the 27 complaints received, 22 shippers [names in *italicized bold* shown in Table 8A] reported to CTI that they experienced loss and/or damage to their belongings. It is not known how many of the 15

shippers that did not file complaints with the PUC also reported to CTI that there was loss and/or damage to their belongings.

- Issued incomplete Combined Agreements for Moving Services and Freight Bill (Agreements) in violation of PUC section 5139 and Max 4, Items 128 and 132. [42 counts]

An analysis of 42 moving documents showed that CTI routinely issued incomplete Agreements [Tables 8 and 8a]. Attachment 4 contains a representative sample of incomplete Agreements.

#	Max4 Item	Description	Counts
1	36(1)	Incomplete/missing job starting & ending times	35
2	128(2)(b)	Date move is tendered	42
3	128(2)(c) 132(1)(e)	Date Agreement issued	15
4	128(2)(h) 132(1)(g)	Points of origin & destination	1
5	128(2)(i) 132(2)(h)	Description of shipment	42
6	128(2)(k)	Rates and charges quoted (incl. minimums)	42
7	128(2)(l)	Valuation of shipment	42
8	132(1)(b)	All names, both real & fictitious, used in conducting its operations	42
9	132(1)(d)	The address of the carrier's principal place of business, designated as such and of such local offices as may be desired where business with the public is conducted	42
10	132(1)(l)	Rates and charges assessed	23
11	132(1)(n)	Signature of carrier or his agent.	35
12	132(1)(r)	Not To Exceed Price	42
13	132(1)(u)	Notice whenever carrier requires signed statement acknowledging delivery and receipt of goods	42
<b>TOTAL COUNTS</b>			<b>445</b>

#	Complaint #	Move Date	Shipper	Max 4 Violations
1	20090341	08/26/08	<i>Bracken, Inez</i>	1,2,5,6,7,8,9,11,12,13
2	20090340	08/28/08	<i>Montejo, Wil</i>	1,2,5,6,7,8,9,11,12,13
3	20090331	10/14/08	<i>Perrin, Robert</i>	1,2,5,6,7,8,9,11,12,13
4	20090330	10/17/08	<i>Gay, Charles</i>	1,2,5,6,7,8,9,11,12,13
5	20080484	10/25/08	<i>Guarino, Thomas</i>	1,2,5,6,7,8,9,11,12,13
6	20090316	11/07/08	<i>Rogers, Steve</i>	1,2,5,6,7,8,9,11,12,13
7	20090332	11/26/08	<i>Sloatman, Lindsey</i>	2,5,6,7,8,9,12,13
8	20080475	11/26/08	<i>Thompson, Michael</i>	2,5,6,7,8,9,12,13

9	20090167	12/12/08	<i>Niemi, Ilona</i>	1,2,3,5,6,7,8,9,10,12,13
10	20090241	12/24/08	<i>McCulloh, Wanda</i>	1,2,3,5,6,7,8,9,10,11,12,13
11	20090166	02/07/09	<i>Hauser, Ray</i>	2,5,6,7,8,9,11,12,13
12	20090317	02/14/09	<i>Jenkins, Camille</i>	1,2,5,6,7,8,9,11,12,13
13	20090142	03/05/09	<i>Carlson, Richard</i>	1,2,5,6,7,8,9,11,12,13
14	20090153	03/05/09	<i>Riley, Norene</i>	1,2,5,6,7,8,9,11,12,13
15	20090244	05/31/09	<i>Rossini, Frank</i>	1,2,3,5,6,7,8,9,10,11,12,13
16	20090327	06/20/09	<i>Wolowitz, Judi</i>	1,2,3,5,6,7,8,9,10,11,12,13
17	20090329	07/11/09	<i>Patterson, Jane</i>	1,2,3,5,6,7,8,9,10,11,12,13
18	20090338	07/19/09	<i>Manikowski, Laurie(1)</i>	1,2,3,5,6,7,8,9,11,12,13
19	20090338	07/23/09	<i>Manikowski, Laurie(2)</i>	1,2,5,6,7,8,9,11,12,13
20	20090352	08/01/09	<i>Hengesbach, Monika</i>	1,2,4,5,6,7,8,9,11,12,13
21	20090387	09/17/09	<i>Dell, Cheryl</i>	2,5,6,7,8,9,11,12,13
22	20090417	08/21/09	<i>Wesolowski, Jean</i>	1,2,3,5,6,7,8,9,10,11,12,13
23	20080519	07/29/09	<i>Hall, Kathy</i>	1,2,3,5,6,7,8,9,10,11,12,13
24	n/a	07/25/09	Ryle, Diane	1,2,5,6,7,8,9,10,11,12,13
25	n/a	07/14/09	Myers, Carol	2,5,6,7,8,9,10,12,13
26	n/a	07/11/09	Derdenger, Kris	2,5,6,7,8,9,10,12,13
27	n/a	06/19/09	Gunasekara, Rajindra	1,2,3,5,6,7,8,9,10,11,12,13
28	n/a	06/13/09	Duran, Violet	1,2,3,5,6,7,8,9,10,11,12,13
29	n/a	05/23/09	Cairns, Joan	1,2,3,5,6,7,8,9,10,11,12,13
30	n/a	05/03/09	Carr, Regina	1,2,3,5,6,7,8,9,10,11,12,13
31	n/a	04/25/09	Robinson, Keri	1,2,3,5,6,7,8,9,10,11,12,13
32	n/a	04/08/09	Mortellaro, Tina	1,2,5,6,7,8,9,10,11,12,13
33	n/a	03/29/09	Brown, Jay	1,2,5,6,7,8,9,10,11,12,13
34	n/a	03/15/09	Wiant, Elizabeth	1,2,5,6,7,8,9,10,12,13
35	n/a	02/21/09	Balcom, Rebecca	1,2,5,6,7,8,9,10,11,12,13
36	n/a	02/11/09	Reyez, Porfirio	1,2,5,6,7,8,9,10,11,12,13
37	n/a	01/30/09	Eisenmann, Brooke	1,2,5,6,7,8,9,10,12,13
38	n/a	01/30/09	Destree, Tamara	1,2,5,6,7,8,9,10,11,12,13
39	20080313	08/20/08	<i>Thomas, Kim</i>	1,2,3,5,6,7,8,9,11,12,13
40	20080391	09/05/08	<i>Holloway-Dixon, Carolyn</i>	1,2,3,5,6,7,8,9,10,11,12,13
41	20080442	10/27/08	<i>Gilson, Dirk</i>	2,5,6,7,8,9,11,12,13
42	20090109	10/05/08	<i>Wetzel, Debbie</i>	1,2,5,6,7,8,9,11,12,13

*Italic bold* – denotes shippers who filed complaints with PUC

- Failed to state valuation rates on Combined Agreement for Services and Freight Bills [Agreement], in violation of PUC section 5139 and Max 4, Item 136. [42 counts]

Max 4, Item 136, subparagraph 4 required that carriers state the valuation rates on the Agreement when issued. None of the 42 Agreements analyzed [see Table 8a] listed the rates for the Actual Cash Value or Full Value levels. On the line where the shipper was required to write in the total value of the



shipment (normally in the thousands of dollars), it was either blank or a CTI employee wrote or typed in sixty cents per pound.

- **Deviated from the maximum rates allowed on flight/long carry charges, in violation of PUC section 5139 and Max 4, Item 140(1). [1 count]**

Max 4, Item 140 provides maximum rates per 100 pounds for flight and/or long-carry charges for moves rated under distance rates. No additional charges are allowed for moves performed on an hourly basis.

Our review of the documents for the Montojo [Attachment 6] move showed that CTI charged an hourly rate but assessed a \$75 long carry charge.

#### DECLARATION

We have read the foregoing and know the contents thereof and we declare that the foregoing is true and correct, except as to those matters stated on information and belief, and as to those matters we believe to be true.

Executed on July \_\_\_\_, 2010  
at San Francisco, California

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Joe Iljas  
Investigator, Badge # 1012

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Maritza Perez  
Investigator, Badge # 158

## INDEX OF ATTACHMENTS

1. Official Notice issued August 25, 2008.
2. License Section notices.
3. Combined Agreements of moves conducted by CTI after suspension of authority.
4. Copy of overcharge directive letter dated November 24, 2009, complaints and documents from shippers and documents provided by CTI.
5. Representative samples of agreements and confirmations showing unlawful packing materials charges and unlawful fuel surcharges.
6. Combined agreements for Montojo and Gilson.
7. Combined agreements for Hauser.
8. Documents for Guarino and Dell.



**Public Utilities Commission**

STATE OF CALIFORNIA

**CITATION FOR VIOLATION  
OF PUBLIC UTILITIES CODE**

To: City Transport Inc.  
Attention: Avi Minkoff  
3250 Victor Street, Suite A  
Santa Clara, CA 95054

File: MTR 190494  
Date: August \_\_\_\_, 2010  
Citation #: CF- 5175  
Case #: HHG-1748

**VIOLATIONS**

You are hereby cited with having violated section(s) of the Public Utilities Code (PUC) and Commission Maximum Rate Tariff 4 (Max 4) as described below. These violations occurred during the period January 1, 2009 through June 15, 2009.

- (1) Operated as a household goods carrier after suspension of its permit, in violation of PUC section 5286. [5 counts]; and
- (2) Failed to provide Commission staff access to records, in violation of PUC section 5225. [2 counts]; and
- (3) Failed to provide shippers with the "Important Notice About Your Move" document at least 3 days prior to the move date, in violation of PUC section 5143, and Max 4, Item 130. [42 counts]; and
- (4) Failed to provide the "Important Information for Persons Moving Household Goods" booklet in violation of PUC section 5139 and Max 4, Item 88 (9)(b). [34 counts]; and
- (5) Failed to provide the Agreement for Moving Services at least three (3) days prior to scheduled move date, in violation of PUC section 5139 and Max 4, Item 128 (1). [36 counts]; and
- (6) Charged more than the maximum rates approved by the Commission through false billing through the use of a device to increase moving costs resulting in overcharges to consumers in violation of PUC section 5197. [15 counts]; and

- (7) Deviated from packing materials charges to be observed in Max 4, Item 340, in violation of PUC section 5139 and Max 4, Item 16 (2). [204 counts]; and
- (8) Failed to charge distance rate on moves that exceed 100 constructive miles, in violation of PUC section 5139 and Max 4, Item 16 (1)(b). [2 counts]
- (9) Deviated from the units of measurement to be observed in violation of PUC section 5139 and Max 4, Item 44. [1 count]; and
- (10) Failed to apply correct charges based on weight certificates, in violation of PUC section 5139 and Max 4, Item 80. [3 counts]; and
- (11) Failed to disclose all charges and willfully quoted a lower rate or charge knowing the actual rate or charges will be more than the quoted rate in violation of PUC section 5139 and Max 4, Item 88(8)(e). [27 counts]; and
- (12) Failed to respond to claims for loss and/or damage according established timeframes, in violation of PUC section 5139 and Max 4, Item 92. [22 counts]; and
- (13) Issued incomplete Combined Agreements for Moving Services and Freight Bill (Agreements) in violation of PUC section 5139 and Max 4, Items 128 and 132. [42 counts]; and
- (14) Failed to state valuation rates on Combined Agreement for Services and Freight Bills [Agreement], in violation of PUC section 5139 and Max 4, Item 136. [42 counts]; and
- (15) Deviated from the maximum rates allowed on flight/long carry charges, in violation of PUC section 5139 and Max 4, Item 140(1). [1 count]

### **STATEMENT OF FACTS**

The above violations are documented in the attached investigator's summary report, which consists of carrier's records and substantiating documents obtained from other sources.

### **RESPONSE**

You are hereby called upon to answer this citation on or before \_\_\_\_\_, 2010.  
By way of such answer you may either:

- (1) Refund \$19,057.97 in overcharges to fifteen (15) customers as directed by staff's letters. (See Attachment A for detailed summary of overcharges), and
- (2) Pay a fine of \$10,000 pursuant to PUC section 5285. (Submit your check or money order

CIT-LIC

payable to California Public Utilities Commission using the attached *Citation Payment Form*. Upon payment, the fine will be deposited in the State Treasury to the credit of the General Fund and the Commission staff will deem the matter closed.) or

(3) Contest this citation by filing an appeal. See attached document "*How To File An Appeal*".

If you fail to respond within the 20 calendar days, you will be in default of the citation and will have forfeited your right to appeal the citation. In addition, your operating authority will be immediately suspended and subsequently revoked, pursuant to Resolution ALJ-187.

---

JULIE HALLIGAN, Deputy Director  
Consumer Protection and Safety Division

Attachments

CIT-LIC



Public Utilities Commission

STATE OF CALIFORNIA

File No.: MTR 190494

Citation #: CF-5179

Case #: PSG-1748

**CITATION COMPLIANCE AGREEMENT**

I hereby agree to comply with this citation dated August \_\_\_\_, 2010, and herewith pay the fine of \$10,000.

Avi Minkoff, President  
City Transport Inc.  
Santa Clara, CA 95054

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Title)

\_\_\_\_\_  
(Date)

Payment should be made payable to *California Public Utilities Commission* and sent to:

**Cynthia E. McReynolds**  
**California Public Utilities Commission**  
**Transportation Enforcement Section**  
**505 Van Ness Avenue, 2<sup>nd</sup> Floor**  
**San Francisco, CA 94102**

CIT-LIC

Attachment A

Table 4 - Overcharges				
#	Complaint Number	Shipper	Date of Letter	Overcharge/ Refund Amount
1	20090341	Montejo	11/24/09	\$780.50
2	20090331	Perrin	11/24/09	\$2,044.93
3	20090330	Gay	11/24/09	\$451.00
4	20090332	Sloatman	11/24/09	\$149.29
5	20080475	Thompson	11/24/09	\$392.05
6	20090241	McCulloh	11/24/09	\$290.00
7	20090166	Hauser	11/24/09	\$6,679.86
8	20090317	Jenkins	11/24/09	\$263.00
9	20090142	Carlson*	11/24/09	\$1,100.01
10	20090153	Riley*	11/24/09	\$657.20
11	20090329	Patterson	11/24/09	\$1,724.42
12	20090338	Manikowski *	11/24/09	\$407.00
13	20090352	Hengesbach *	11/24/09	\$1600.12
14	20090387	Dell *	11/24/09	\$2,124.59
15	20090417	Wesolowski *	11/24/09	\$394.00
				<b>\$19,057.97</b>

## **APPENDIX E**





>>Lookup Home > > Details

<b>BASIC DETAILS for MTR0190494</b>		<a href="#">Return</a>	<b>Additional DBA's for MTR0190494</b>
Carrier ID: MTR0190494 Carrier Status: Revoked Carrier Name: CITY TRANSPORT Carrier DBA: CITY TRANSPORT			<b>Carrier DBA</b> LIBERTY VAN LINES, FLAT RATE MOVING AND STORAGE, ACE MOVING AND STORAGE LIBERTY RELOCATION, US MOVERS, US AND MOVERS

1 - 2

List of Authorities for MTR0190494

Authorities
Household Goods Permit - Revoked - 11/20/2010

1 - 1

List of Insurance Policies for MTR0190494

Insurance Policy	Policy#	Address
Cargo Policy	CA06634998	UNITED FINANCIAL CASUALTY COMPANY 6300 WILSON MILLS ROAD MAYFIELD VILLAGE, OH 44143-2182
PL and PD Policy	CA06634998	UNITED FINANCIAL CASUALTY COMPANY 6300 WILSON MILLS ROAD MAYFIELD VILLAGE, OH 44143-2182
Workers Compensation Coverage	1909226	STATE COMPENSATION INSURANCE FUND 1275 MARKET ST SAN FRANCISCO, CA 94103-

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# **APPENDIX F**



Better Business Bureau®

In Alaska, Oregon & Western Washington

## BBB BUSINESS REVIEW

### THIS BUSINESS IS NOT BBB ACCREDITED

Olympic Van Lines

(800) 917-7977

*View Additional Phone Numbers*

3635 S Lawrence St Ste M, Tacoma, WA 98409-5704

<http://www.olympicvanlines.com>

*View Additional Web Addresses*



On a scale of A+ to F  
Reason for Rating  
BBB Ratings System Overview

*BBB Business Reviews may not be reproduced for sales or promotional purposes.*

#### BBB Accreditation

Olympic Van Lines is not BBB Accredited.

Businesses are under no obligation to seek BBB accreditation, and some businesses are not accredited because they have not sought BBB accreditation.

To be accredited by BBB, a business must apply for accreditation and BBB must determine that the business meets BBB accreditation standards, which include a commitment to make a good faith effort to resolve any consumer complaints. BBB Accredited Businesses must pay a fee for accreditation review/monitoring and for support of BBB services to the public.

#### Reason for Rating

BBB rating is based on 16 factors. Get the details about the factors considered.

Factors that *lowered* Olympic Van Lines' rating include:

Length of time business has been operating.  
15 complaints filed against business  
Length of time business has taken to resolve complaint(s).

Factors that *raised* Olympic Van Lines' rating include:

Response to 15 complaint(s) filed against business.  
Resolution of complaint(s) filed against business.  
BBB has sufficient background information on this business.

#### Customer Complaints Summary

15 complaints closed with BBB in last 3 years   15 closed in last 12 months	
Complaint Type	Total Closed Complaints
Advertising / Sales Issues	2
Billing / Collection Issues	3
Delivery Issues	5
Problems with Product / Service	5
Guarantee / Warranty Issues	0
<b>Total Closed Complaints</b>	<b>15</b>

**Additional Complaint Information**

BBB has received a pattern of complaints from consumers alleging this company originally offers a low quote, then substantially increases the cost once the move is in progress and consumers are unable to cancel services. Complaints further allege consumers' household goods are not delivered within the agreed-upon time frame, and when the goods do arrive, the belongings are damaged and items are missing.

**Government Actions**

BBB knows of no significant government actions involving Olympic Van Lines.

What government actions does BBB report on?

**Advertising Review**

BBB has nothing to report concerning Olympic Van Lines' advertising at this time.

What is BBB Advertising Review?

**Additional Information**

BBB file opened: 01/13/2011  
Business started: 10/29/2009  
Business started locally: 05/07/2010

**Licensing**

This company is in an industry that may require licensing, bonding or registration in order to lawfully do business. BBB encourages you to check with the appropriate agency to be certain any requirements are currently being met.

These agencies may include:

Washington Utilities & Transportation Commission  
1300 S Evergreen Park Dr SW  
Olympia, WA 98504-7250  
(888) 333-8882  
<http://www.wutc.wa.gov>

**Type of Entity**

Corporation

Incorporated: October 2009, CA

**Contact Information**

Principal: Ms Chana E Green (President)  
Customer Contact: Mr Max Sael (Claims Department, Customer Service)  
Mr Tim Anderson

**Business Category**

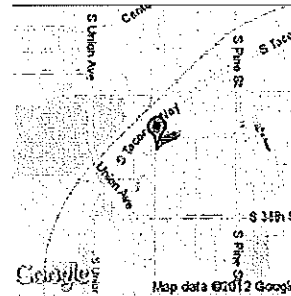
Movers, Moving Services - Labor & Materials

**Alternate Business Names**

Great American Moving & Storage, Oracle Marketing, West Coast Moving, Olympic VanLines, Washington Movers, Oracle Marketing Inc, C E G Marketing, C E G Marketing Inc, Infinity Relocation, Great American Moving Company

**Industry Tips**

Planning a Cost-Effective Move  
Relocating Across State Lines? Know Your Rights and Responsibilities  
Spotting Rogue Movers Before They Have Your Goods  
Tips on Renting a Self-Storage Unit



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In Alaska, Oregon &  
Western Washington

# **APPENDIX G**



U.S. Department of Transportation  
Federal Motor Carrier Safety Administration  
The Household Goods Program

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[Home](#) > [Search Movers & Complaint History](#) > [Search Results](#) > MAYFLOWER MOVING AND STORAGE

[Print this Page](#)

Search by State

Search by Company

**MAYFLOWER MOVING AND STORAGE**

[Back to Search Results](#)

The information below is based on data from 5/25/2012

**Company Details**

Name : MAYFLOWER MOVING AND STORAGE  
USDOT Number : 1771869  
MC # : 652993

Address : 3250 A VICTOR ST  
SANTA CLARA, CA 95054  
Mailing Address : Same as above  
Telephone : (800)405-9038  
Fax : (408) 521-3500

**Safety and Insurance**

Safety Rating : Conditional  
Review Date : 4/12/2010  
Most recent Safety Rating Date

Licensing & Insurance Status : Inactive  
Most recent Insurance Date

**Fleet Size**

Number of Trucks : 1  
Number of Tractors : 0  
Number of Trailers : 0

**Household Goods Complaint History**

The National Consumer Complaint Database (NCCDB) allows consumers to file complaints regarding household goods moving companies, including brokers, carriers and freight forwarders. This system also allows HHG companies the ability to view the individual details of the complaints and to challenge duplicate or fraudulent complaints. In order to access this system, please visit: <http://nccdb.fmcsa.dot.gov>.

The following table reports the number of complaints lodged in the NCCDB against the selected HHG company. When making comparison between companies, it is important to take into account the size of the companies. Larger companies are capable of handling more moves; and therefore, are more likely to have complaints lodged against them. The data shown above under fleet size can be used for assessing the size of a company.

Year	Total Complaints <sup>a</sup>
2011	2
2010	5
2009	6

Year	Complaints by Category <sup>b</sup>									
	Unauthorized Operations	Shipment Documents	Estimates/Final Charges	Weighing	Hostage	Pickup and Delivery	Loss and Damage	Claim Settlement	Other Commercial Complaints	Non-Categorized
2011	1	1	1	1	1	1	1	2	0	0
2010	2	3	4	3	3	3	2	1	0	0
2009	2	5	5	5	3	4	2	1	0	0

<sup>a</sup> A single complaint can belong to more than one category; therefore, the sum of the complaints in each category may not equal the total complaints.

<sup>b</sup> Click [here](#) for a list of the complaints associated with each category.

**Behavior Analysis and Safety Improvement Categories (BASICS)**

Carrier is inactive at the time of the last SMS update. For most up to date information, please visit SAFER system.



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Federal Motor Carrier Safety Administration  
1200 New Jersey Avenue SE, Washington, DC 20590 • 1-800-832-5860 • TTY: 1-800-377-8339 • Field Office Contacts

**GREAT AMERICAN MOVING & STORAGE**

Print this Page

Search by State  
 Search by Company

Back to Search Results

The information below is based on data from 5/25/2012

**Company Details**

Name : GREAT AMERICAN MOVING & STORAGE  
 USDOT Number : 2029028  
 MC # : 712961

Address : 1826 112TH ST, EAST SUITE D  
 TACOMA, WA 98445  
 Mailing Address : Same as above  
 Telephone : (800)557-7419  
 Fax : (408) 521-3900

**Safety and Insurance**

Safety Rating : Conditional  
 Review Date : 1/4/2011  
 Most recent Safety Rating Date

Licensing & Insurance Status : Registered  
 Most recent Insurance Date

**Fleet Size**

Number of Trucks : 1  
 Number of Tractors : 1  
 Number of Trailers : 1

**Household Goods Complaint History**

The National Consumer Complaint Database (NCCDB) allows consumers to file complaints regarding household goods moving companies, including brokers, carriers and freight forwarders. This system also allows HHG companies the ability to view the individual details of the complaints and to challenge duplicate or fraudulent complaints. In order to access this system, please visit: <http://nccdb.fmcsa.dot.gov>.

The following table reports the number of complaints lodged in the NCCDB against the selected HHG company. When making comparison between companies, it is important to take into account the size of the companies. Larger companies are capable of handling more moves; and therefore, are more likely to have complaints lodged against them. The data shown above under fleet size can be used for assessing the size of a company.

Year	Total Complaints *
2012	8
2011	8
2010	4

Year	Complaints by Category <sup>b</sup>									
	Unauthorized Operations	Shipment Documents	Estimates/Final Charges	Weighing	Holdage	Pickup and Delivery	Loss and Damage	Claim Settlement	Other Commercial Complaints	Non-Categorized
2012	0	4	5	2	1	3	1	3	1	0
2011	1	5	7	3	3	3	2	3	0	0
2010	0	3	2	1	2	3	0	1	0	0

\* A single complaint can belong to more than one category; therefore, the sum of the complaints in each category may not equal the total complaints.  
<sup>b</sup> Click [here](#) for a list of the complaints associated with each category.

**Behavior Analysis and Safety Improvement Categories (BASICS)**

Behavior Analysis and Safety Improvement Categories (BASICS)		
BASICS Overview	On-Road Investigation	BASICS Status
Unsafe Driving	No Violations	0
Fatigued Driving	74.4%	▲
Driver Fitness	Inconclusive	=
Controlled Substances and Alcohol	No Violations	=
Vehicle Maintenance	Insufficient Data	=

\* This website uses the Motor Carrier Safety Measurement System (SMS), which is based on current federal motor carrier safety data and measures a company's compliance with Federal Motor Carrier Safety Administration regulations. The assessments cover 24 months of activity and the results displayed here are updated monthly.

\* The SMS provides an assessment of a company's on-road performance and investigation results across the listed, publicly available, Behavior Analysis Safety Improvement Categories (BASICS).

Please visit the Safety Measurement System for more information.

Serious violation cited within last 12 months from an investigation.

Denotes this carrier exceeds the FMCSA intervention threshold relative to its safety event grouping based upon roadside data and/or has been cited with one or more serious violations within the past 12 months during an investigation. Therefore, this carrier may be prioritized for an intervention action and roadside inspection.

BASIC percentiles range between 0 (best) and 100 (worst) and are calculated for companies with sufficient data related to each BASIC. Within each BASIC, a percentile is assigned from 0 to 100 based on the companies' safety compliance. For example, a percentile value of 95 means that the company performed WORSE than 95% of the companies in the group (higher BASIC measures indicate less compliance).