

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In re Application of

CHERYL ANN BALL
d/b/a ACME MOVING LABOR

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

DOCKET TV-161097

NOTICE OF INTENT TO DENY
APPLICATION FOR PERMANENT
AUTHORITY

NOTICE OF OPPORTUNITY FOR
HEARING

BACKGROUND

- 1 On September 29, 2016, Cheryl Ann Ball d/b/a Acme Moving Labor (Acme Moving Labor or Applicant) filed an application with the Washington Utilities and Transportation Commission (Commission) for authority to operate as a household goods carrier in the state of Washington (Application). Cheryl Ann Ball, the company's owner, signed the Application, which identified Kedric D. Jackson as Acme Moving Labor's Operations Manager.
- 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 conform to the requirements, rules, and regulations of the Commission, and whether the 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. Commission 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.
- 4 The Commission will not grant permanent authority if an applicant or any of its employees 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 the application¹ or more than

¹ WAC 480-15-302(8)(a)

five years prior to the date of the application if 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.²

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.³

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 October 4, 2016, Staff generated a Washington Access to Criminal History (WATCH) report issued by the Washington State Patrol Identification and Criminal History Section for both Ms. Cheryl Ann Ball, owner, and Mr. Kedric D. Jackson, Operations Manager.

8 The WATCH report documents that Mr. Jackson was convicted of Assault 4 on December 2, 2011, which is within the five years from the date Acme Moving Labor filed its application. Pursuant to WAC-480-15-302(8)(a), the Commission will not grant permanent authority if an applicant or any of its employees 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 the application.

9 Staff recommends the Commission deny the Application for Acme Moving Labor for failure to meet the requirements of WAC 480-15-302(8)(a). Staff believes that Mr. Jackson's Assault 4 conviction from December 2, 2011, poses an unacceptable risk to consumers and their belongings if he is involved in Acme Moving Labor's operations.

10 The WATCH report also states that Mr. Jackson was convicted of the following additional offenses:

- Assault 4 – November 16, 2009
- Theft 2 – January 11, 2006

² WAC 480-15-302(8)(b)

³ WAC 480-15-350

- Violation of the Uniform Controlled Substances Act for the Manufacture/Delivery/Possession of a Controlled Substance with Intent – March 6, 2000
- Assault 4 – May 3, 1996
- Assault 2 – July 21, 1986

11 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 Mr. Jackson's additional convictions will likely interfere with the proper operation of a household goods moving company. Accordingly, Staff also recommends the Commission deny the Application for Acme Moving Labor based on WAC 480-15-302(8)(b).

12 The WATCH report further states that Mr. Jackson was convicted of the following additional crimes:

- Malicious Mischief 2 – December 2, 2011
- Reckless Driving – December 8, 2011
- Riot with a Deadly Weapon – November 16, 2009

13 While these offenses are not among those listed in WAC 480-15-302(8)(b), Staff believes that these convictions, in conjunction with his other crimes, are an additional basis to deny the application under WAC 480-15-302(13). Permitting a company that employs Mr. Jackson with his extensive criminal history to operate as a household goods moving company would pose an unacceptable risk to consumers and their belongings.

DISCUSSION

14 Based on the information Staff has presented, the Commission agrees with Staff's recommendation and intends to deny the Application. The facts of which the Commission are aware demonstrate that Kedric D. Jackson's position as Operations Manager renders Acme Moving Labor unfit to operate as a household goods moving company because of his criminal history.

- 15 Staff's findings support the conclusion that the Applicant has 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

- 16 The Commission hereby provides notice of its intention to deny Acme Moving Labor's Application for permanent authority for failure to meet the application requirements in RCW 81.80 and WAC 480-15.
- 17 **NOTICE OF OPPORTUNITY FOR HEARING.** Acme Moving Labor may request a hearing to contest the factual allegations set out in this notice. Acme Moving Labor may request such a hearing by filing a written request for a hearing with the Commission by **October 31, 2016**. An original and five (5) paper copies of the request must be directed to the attention of Steven V. King, Executive Director and Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, Olympia, WA 98504-7250, and must reference Docket TV-161097.
- 18 If Acme Moving Labor requests a hearing by **October 31, 2016**, the Commission will schedule a brief adjudicative proceeding under RCW 34.05.482 and WAC 480-07-610. If Acme Moving Labor does not request a hearing by that date, the Commission will enter an order rejecting the Application.

DATED at Olympia, Washington, and effective October 19, 2016.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

STEVEN V. KING
Executive Director and Secretary