

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In re Application of

MAN AND A VAN INC.

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

DOCKET TV-170284

NOTICE OF INTENT TO DENY
APPLICATION FOR PERMANENT
AUTHORITY

NOTICE OF OPPORTUNITY FOR
HEARING

BACKGROUND

- 1 On April 20, 2017, Man and a Van Inc. (Man and a Van 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). Anthony Wright, the company's owner, submitted and signed the Application.
- 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 Applicant provided an application including a business license number, USDOT number, and confirmation that he would be using employees from employment agencies to carry out business operations. On June 9, 2017, the Applicant provided an insurance filing, which completed the application.
- 4 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.
- 5 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 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

6 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

7 Commission Staff (Staff) has reviewed the Application, and recommends that the Commission deny the Application for reasons set out below.

FACTUAL ALLEGATIONS

8 On April 20, 2017, Staff generated a “LexisNexis” comprehensive background check report for Mr. Anthony Wright. This report listed four criminal offences that took place in California, but did not list the specific crimes.

9 Staff also generated a Washington Access to Criminal History (WATCH) report issued by the Washington State Patrol Identification and Criminal History Section for Mr. Wright.

10 The WATCH Report, dated April 20, 2017 documents that Mr. Wright is a registered sex offender.

11 Staff proceeded to file a public records request with the city of Tacoma for Mr. Wright’s sex offender registration packet.

12 Mr. Wright’s sex offender registration packet reflects that he was convicted of Assault with Intent to Rape with Force on March 29, 1993 and Unlawful Taking or Driving of a Vehicle on January 30, 1997.

13 Mr. Wright’s sex offender registration packet also indicates a number of parole violations. Per the paperwork obtained in his sex offender packet, Mr. Wright was remanded to custody due to two parole violations. In December of 1995, he was remanded back to custody for alleged fraud, solicitation and threats. In June of 1996 his parole was revoked for alleged robbery, accessory to robbery, hostage taking, burglary

¹ WAC 480-15-302(8)(a)

² WAC 480-15-302(8)(b)

³ WAC 480-15-350

and possession of a dangerous weapon. Mr. Wright had his parole extended in March, 2002 for possession of marijuana, possession of drug paraphilia, and presenting false identification to his parole officer. The documentation from the city of Tacoma did not indicate whether any of these parole-related difficulties resulted in charges or convictions.

- 14 In Mr. Wright's application, when asked if he had 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 he simply listed "Assault". Mr. Wright's application did not specify or acknowledge sexual misconduct, and neglected to list the prior conviction for vehicle theft.
- 15 Under WAC 480-15-302(8)(b), the Commission may deny an application for operating authority 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 and or extent of the crime(s) will likely interfere with the proper operations of a household goods moving company.
- 16 Staff recommends the Commission deny the Application for Man and a Van Inc. because the nature and extent of Mr. Wright's criminal history will interfere with the proper operation of a household goods moving company.
- 17 Staff believes that the Assault with Intent to Rape with Force conviction from March 29, 1993, the vehicle theft charge in 1997, and multiple parole violations together indicate a significant risk factor for a person/company that will have access to consumers and their belongings.
- 18 Additionally, Mr. Wright was not candid with the Commission on his application. By providing an inaccurate response to an application question and excluding relevant details of his past criminal history, Mr. Wright contradicted WAC 480-15-302(2) which states that the Commission will grant provisional authority only if the "application does not contain any fraud, misrepresentation, or erroneous information." Mr. Wright's lack of candor and previous parole-related difficulties also suggest a pattern of noncompliance.

DISCUSSION

- 19 Based on the information Staff presented, the Commission agrees with Staff's recommendation and intends to deny the Application. The information Staff has discovered indicates that Andrew Wright's criminal convictions, lack of candor in the

application process, and history of noncompliance render the company unfit to operate as a household goods moving company.

- 20 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

- 21 The Commission hereby provides notice of its intention to deny Man and a Van Inc.'s Application for permanent authority for failure to meet the application requirements in RCW 81.80 and WAC 480-15.

- 22 **NOTICE OF OPPORTUNITY FOR HEARING.** Man and a Van Inc. may request a hearing to contest the factual allegations set out in this notice. Man and a Van Inc. may request such a hearing by filing a written request for a hearing with the Commission by **July 14, 2017**. The request must be filed either through the web portal at www.utc.wa.gov/e-filing, by email to the Records Center at records@utc.wa.gov, or by mail or hand delivery in electronic format per 480-07-140(5)(c), and must reference Docket TV-170284.

- 23 If Man and a Van Inc. requests a hearing by **July 14, 2017**, the Commission will schedule a brief adjudicative proceeding under RCW 34.05.482 and WAC 480-07-610. If Man and a Van Inc. 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, 2017.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

STEVEN V. KING
Executive Director and Secretary