

**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

ORDER 02

INITIAL ORDER APPROVING
SETTLEMENT AGREEMENT

BACKGROUND

- 1 **PROCEDURAL HISTORY.** On April 12, 2019, the Washington Utilities and Transportation Commission (Commission) entered Order 01, Order Instituting Special Proceeding; Complaint Seeking to Impose Penalties; and Notice of Hearing, initiating this docket on its own motion (Order 01). Order 01 alleged that Move for Less LLC (Move for Less LLC or Company) violated RCW 81.80.075(1) by offering and advertising to provide for the 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. Yuriy Deyneka, Owner, Move for Less LLC, to appear before the Commission at a special proceeding on May 14, 2019, and to bring the documents specified in the subpoenas.
- 2 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 LLC had engaged in business as a household goods carrier for compensation within the state of Washington without possessing the permit required for such operations. Commission staff (Staff) and Move for Less LLC (collectively, the Parties) agreed to a hearing date of July 22, 2019.
- 3 On July 17, 2019, Staff notified the Commission that the Parties had reached a settlement in principle. Then on July 31, 2019, Staff filed with the Commission a Settlement Agreement and a Joint Narrative Supporting Settlement Agreement (Narrative).

4 Daniel J. Teimouri, Assistant Attorney General, Olympia, Washington, represents Staff.
Yuriy Deyneka, Federal Way, Washington, represents Move for Less LLC.

5 **SETTLEMENT AGREEMENT.** The Parties present the Settlement Agreement as a full
resolution of all matters in dispute.

6 Under the Settlement Agreement, the Company admits to the facts as set forth in the
Narrative, which we summarize as follows:

- On May 10, 2017, the Commission granted a temporary household goods carrier permit to Move for Less LLC.
- On December 22, 2017, the Commission granted a temporary household goods carrier permit to another company also owned by Mr. Deyneka: Two Men and a Moving Van LLC.
- On April 20, 2018, the Commission cancelled Move for Less LLC's permit due to insufficient proof of insurance.
- On March 27, 2019, Staff found online advertisements for a household goods moving company called "Move for Less," and obtained a quote for moving services including workers and a truck.
- Mr. Deyneka mistakenly believed that because he possessed a valid permit for Two Men and Moving Van LLC, he could continue using the trade name associated with his then inactive company, Move for Less LLC. After learning this was not the case, on May 2, 2019, Mr. Deyneka submitted an application to the Commission to add the trade name "Move for Less" to his active permit for Two Men and a Moving Van LLC.
- On May 8, 2019, the Commission granted the application filed by Two Men and a Moving Van LLC, filed under Docket TV-190341, to add the trade name "Move for Less" under Permit THG067981.

7 Under the Settlement Agreement, the Parties agree that the Company's cooperation with Staff and their subsequent conduct in properly registering "Move for Less" as a Commission-approved trade name are mitigating circumstances, and that the likelihood of repeated future violations is low.

8 The Parties further agree that the Commission should impose a penalty of \$250 for the advertising violation, and that the entire penalty should be suspended for a period of two years from the effective date of this Order. The Parties agree that the suspended penalty should be waived after two years provided that the Company refrains from operating as a household goods carrier, including advertising as such, without prior authorization from the Commission.

9 Finally, the Parties agree that Staff will not pursue further enforcement action against the Company arising out of any of the allegations set forth in this Docket.

DISCUSSION AND DECISION

10 WAC 480-07-750(2) states, in part: “The commission will approve a settlement if it is lawful, supported by an appropriate record, and consistent with the public interest in light of all the information available to the commission.” Thus, the Commission considers the individual components of the Settlement Agreement under a three-part inquiry, asking:

- Whether any aspect of the proposal is contrary to law.
- Whether any aspect of the proposal offends public policy.
- Whether the evidence supports the proposed elements of the Settlement Agreement as a reasonable resolution of the issue(s) at hand.

The Commission must determine one of three possible results:

- Approve the proposed settlement without conditions.
- Approve the proposed settlement subject to conditions.
- Reject the proposed settlement.

11 We approve the Settlement Agreement without conditions. Move for Less LLC has admitted to the advertising violation and promptly cured the violation by properly registering “Move for Less” as a Commission approved trade name under Permit THG067981. The Company’s cooperation with Staff and prompt action to correct the violation demonstrate the Company’s understanding of the importance of complying with Commission rules and its intention to comply in the future. We agree with the Parties that it is unlikely the Company will again advertise as a household goods carrier without Commission authorization. We also agree that the suspended penalty, while small, will create sufficient additional incentive for the Company to comply with the terms of the settlement and discourage future violations.

12 We further agree with the Parties that the public interest is served by this Settlement Agreement by concluding this matter without further expenditure of public resources on litigation expenses in this case.

13 Overall, the terms of the Settlement Agreement are not contrary to law or public policy and reasonably resolve all issues in this proceeding. Additionally, evidence supports the proposed elements of the Settlement Agreement as reasonable resolutions of the issues at hand. Given these factors, we find the Settlement Agreement is consistent with the public interest and should be approved as filed.

FINDINGS AND CONCLUSIONS

14 (1) The Commission is an agency of the state of Washington, vested by statute with authority to regulate rates, rules, regulations, and practices of public service companies, including household goods carriers, and has jurisdiction over the parties and subject matter of this proceeding.

15 (2) Move for Less LLC is a household goods carrier subject to Commission regulation.

16 (3) The Settlement Agreement is not contrary to law or public policy and it reasonably resolves all issues in this proceeding.

17 (4) The Settlement Agreement is consistent with the public interest and should be approved as filed.

18 (5) The Commission should approve the Settlement Agreement without condition and order the penalty amount and conditions as proposed by the Parties in the Settlement Agreement.

ORDER

THE COMMISSION ORDERS:

19 (1) The Settlement Agreement is approved without conditions, is attached as Exhibit A to, and incorporated into, this Order, and is adopted as the final resolution of all issues in this proceeding.

- 20 (2) The Commission assesses a \$250 penalty against Move for Less LLC for one violation of RCW 81.80.075(1), and suspends the entire \$250 penalty amount for two years from the effective date of this Order, and waives it thereafter, subject to the condition that Move for Less LLC refrain from operating as a household goods carrier, including advertising, without prior authorization from the Commission.
- 21 (3) The Commission retains jurisdiction to effectuate the terms of this Order.

DATED at Lacey, Washington, and effective August 6, 2019.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

/s/ Laura Chartoff
LAURA CHARTOFF
Administrative Law Judge

NOTICE TO PARTIES

This is an Initial Order. The action proposed in this Initial Order is not yet effective. If you disagree with this Initial Order and want the Commission to consider your comments, you must take specific action within the time limits outlined below. If you agree with this Initial Order and you would like the Order to become final before the time limits expire, you may send a letter to the Commission waiving your right to petition for administrative review.

WAC 480-07-610(7) provides that any party to this proceeding has 21 days after service of this initial order to file a petition for administrative review (Petition). Section (7)(b) of the rule identifies what you must include in any Petition as well as other requirements for a Petition. WAC 480-07-610(7)(c) states that any party may file a response to a Petition within 7 days after service of the Petition.

WAC 480-07-830 provides that before the Commission enters a final order any party may file a petition to reopen a contested proceeding to permit receipt of evidence that is essential to a decision, but unavailable and not reasonably discoverable at the time of hearing, or for other good and sufficient cause. The Commission will give other parties in the proceeding an opportunity to respond to a motion to reopen the record, unless the Commission determines that it can rule on the motion without hearing from the other parties.

WAC 480-07-610(9) provides that an Initial Order will become final without further Commission action if no party seeks administrative review of the Initial Order and if the Commission does not exercise administrative review on its own motion.

Any Petition or response must be electronically filed through the Commission's web portal as required by WAC 480-07-140(5).

Exhibit A
Settlement Agreement