

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of Penalty Assessment Against
PETER A. CLARKE D/B/A CLARKE
PIANO & FURNITURE MOVING, in the
Amount of \$100

DOCKET NO. TV-060980

DECLARATION OF
SHERI HOYT

SHERI HOYT, under penalty of perjury under the laws of the state of Washington, declares as follows:

1. I am over 18 years of age, a citizen of the United States, a resident of the state of Washington, and competent to be a witness.
2. I am employed by the Washington Utilities and Transportation Commission (Commission) as a Compliance Specialist in the Business Practices Investigations Section. I have been employed at the Commission for over 13 years, holding various positions. As a Compliance Specialist, my responsibilities include conducting investigations regarding the business practices of regulated utility or transportation companies. As part of those duties, I investigate household goods companies that may be operating in violation of Commission statute, rule, or tariff.
3. On July 11, 2006, Peter A. Clarke d/b/a Clark Piano & Furniture Moving (Clarke Moving) filed with the Commission a Request for Hearing (Hearing Request) in Docket No. TV-060980. I have read the Hearing Request. In the Hearing Request, the company contests the occurrence of the violation and requests a hearing.
4. This Hearing Request arises from a Notice of Penalties Incurred and Due for Violations of Laws and Rules issued by the Commission on July 5, 2006, in Docket No. TV-060980. In that Notice, the Commission issued a penalty of \$100 for a violation of Washington Administrative Code (WAC) 480-15-480, which requires household goods carriers to file annual reports with the Commission by May 1 each year.
5. Before recommending the Commission issue penalties, as part of my job, I conducted an investigation of Clarke Moving's records. My investigation resulted in an investigation report titled, "Staff Investigation - 2005 Annual Reports." A true and accurate copy of that investigation report is attached to this declaration as Attachment A.
6. I identified the violation in this case from records maintained by the Commission.

Specific Issues Addressed by Clarke Moving in its Mitigation Request

The company did not receive a 2005 annual report form packet.

7. In its Hearing Request, Clarke Moving stated it did not received the 2005 annual report form and 2006 regulatory fee packet, therefore the alleged violation did not occur.
8. WAC 480-15-480(1)(b) states the Commission will mail annual report forms and instructions to each household goods permit holder at its address of record. The annual report packet was mailed to Clarke Moving on March 8, 2006, to the address of record: Post Office Box 2307, Vancouver, Washington, 98668. The Commission mailed the penalty assessment notice, which Clarke acknowledged it received, to the same address.
9. WAC 480-15-480(1)(b) further states it is the company’s responsibility to contact the Commission and request the form if it does not receive it.
10. Clarke’s 2005 annual report form has not been received as of the date of this declaration.

Staff Recommendation

11. It is the company’s responsibility to file its annual report regardless of whether it receives the form from the Commission. Because Clarke’s Moving did not file its annual report by May 1, 2006, the violation occurred, and the penalty is appropriate.

DATED this 26th day of July 2006 at Olympia, Washington.

SHERI HOYT

Attachment A

Household Goods Carriers Staff Investigation - 2005 Annual Reports June 12, 2006

Purpose

The purpose of this investigation is to determine if 40 household goods carriers¹ are in violation of Washington Administrative Code (WAC) 480-15-480. WAC 480-15-480 requires household goods carriers to furnish annual reports to the commission no later than May 1 each year.

Background

This investigation was prompted by commission staff's yearly review of annual reports for household goods carriers registered in the state of Washington.

On March 8, 2006, the commission mailed 2005 Annual Report forms and 2006 Regulatory Fee packets to household goods carriers registered in Washington State. A letter signed by Executive Secretary Carole Washburn instructed companies to file annual reports and pay regulatory fees by May 1, 2006². Further, the letter stated failure to file the annual report by May 1 would result in a penalty and possible revocation of the company's registration to operate in Washington. Those companies wishing to request an extension to file the annual report were asked to do so prior to May 1, providing a reason for the requested extension.

Investigation

The 40 household goods carriers listed in attached Appendix A failed to file their 2005 annual reports by the May 1 deadline. A review of the commission's Records Management System revealed that none of the 40 companies requested an exemption from WAC 480-15-480 to late file their 2005 annual report.

Recommendation:

Penalize the 40 household goods carriers which failed to file their annual report by May 1, 2006, \$100 each for a violation of WAC 480-15-480.

¹ See Appendix A for a list of the household goods carriers.

² See Appendix B for a copy of the March 8, 2006, letter sent to household goods carriers.

Appendix A

	Company Name	Received Yes or No	If yes, Date Received
1.	24 Express, Inc.	No	
2.	A+ Always Moving, Inc.	No	
3.	Ace Van & Storage Co., Inc.	No	
4.	Ace Relocation Systems, Inc.	No	
5.	Affordable Moving Services, Inc.	No	
6.	All America Moving, Inc.	No	
7.	Alliance Moving, Inc.	No	
8.	Art Nordang Trucking, Inc.	No	
9.	Banwer Transfer, LLC d/b/a Banwer Transfer	No	
10.	Barnoli, Inc. d/b/a Barnoli Moving	No	
11.	Becker Trucking, Inc.	Yes	June 1, 2006
12.	Bumblebee Moving North, Inc.	No	
13.	Cascade Moving & Storage, Inc.	Yes	June 5, 2006
14.	Clarke, Peter A. d/b/a Clarke Piano & Furniture Moving	No	
15.	Clerget Brothers, Inc.	No	
16.	Delhur Industries, Inc.	No	
17.	Dennis Moving & Storage, Inc.	No	
18.	Doug Jensen d/b/a Doug's Furniture Delivery and Moving Services	No	
19.	EBP Inc. d/b/a Valley Moving & Storage	No	
20.	Emad Kadem Al-Mosawi d/b/a Sunshine Movers	No	
21.	Y.M.1 Any Time Moving, LLC f/k/a Evergreen Moving & Storage, LLC	No	
22.	Express Movers, Inc.	Yes	June 5, 2006
23.	Grant Moving & Storage Co., Inc.	No	
24.	Hill Moving Services, Inc.	No	
25.	Michelle Schwend d/b/a Island Time Freight	No	
26.	Moore Moving & Storage, Inc.	No	
27.	One Crusiero Way, Inc.	No	
28.	Orca Moving Systems, LLC	No	
29.	Perry Moving & Storage, Inc.	Yes	June 1, 2006.
30.	Pratt Moving & Storage, Inc.	No	
31.	Quarels, Tunisia and Lewis, Jermaine d/b/a Movers 4 Less	No	
32.	Richard Watson & Brad Wakefield d/b/a Integrity Movers	No	
33.	Serna's Relocation Systems, Inc.	No	
34.	Spaeth Transfer, Inc.	No	
35.	Speedy Delivery, LLC	No	
36.	Stewart, Eric d/b/a Iron Man Moving Services	No	

	Company Name	Received Yes or No	If yes, Date Received
37.	Stores Delivery Service, Inc.	No	
38.	Western Van Lines, Inc.	No	
39.	Willamette Express, LTD	No	
40.	Wright-Way Moving & Storage, Inc.	No	

Appendix B



STATE OF WASHINGTON

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

1300 S. Evergreen Park Dr. S.W., P.O. Box 47250 • Olympia, Washington 98504-7250
(360) 664-1160 • TTY (360) 586-8203

March 8, 2006

Subject: Your Household Goods Annual Report and Regulatory Fees are Due May 1

State law requires you to file an annual report and pay regulatory fees to the Washington Utilities and Transportation Commission.

What is required of me?

By May 1, you must:

- Complete and file the enclosed 2005 annual report form
- Pay your 2006 regulatory fees

Failure to file your annual report or pay regulatory fees by May 1 will result in a penalty and possible cancellation of your permit to operate in Washington. This is the only notice you will receive from the commission.

What happens if I do not pay my regulatory fees by May 1?

If regulatory fees are not paid by May 1, you will incur:

- a 2 percent penalty on the amount due; and
- a 1 percent monthly interest charge on the unpaid balance.

Can I request an extension of time if I am unable to file the annual report by May 1?

Yes, you must provide the request in writing, including a valid reason for the extension by May 1. We will notify you when your request is approved or denied. You will still be liable for penalty and interest payments if you fail to pay your regulatory fees by May 1. If you are late filing your annual report or fail to file, you could incur additional penalties up to \$100 a day.

Where do I mail the completed annual report form and regulatory fee payment?

Washington Utilities and Transportation Commission
PO Box 47250
Olympia, WA 98504-7250



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Where can I obtain an electronic version of the annual report?

Forms are available on our website at www.wutc.wa.gov. Locate "Quick Links" then select "2005 annual reports".

Who do I contact if I have questions?

You may call 360-664-1201 or e-mail us at: annualreports@wutc.wa.gov. If you need this information in an alternate format, please call 360-664-1133. TTY Toll Free phone number is 1-800-416-5289 or 360-586-8203.

Sincerely,



Carole J. Washburn
Executive Secretary

Enclosures