

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In re Determining the Proper Carrier)	DOCKET TV-131603
Classification of, and Complaint for)	
Penalties Against)	ORDER 04
)	
GREEN, CHANA d/b/a GREAT)	
AMERICAN MOVING AND)	ORDER DENYING MOTIONS
STORAGE)	
.....)	

BACKGROUND

- 1 On December 23, 2013, the Commission entered Order 03, Initial Order Requiring Respondent to Cease & Desist From Conducting Business as a Household Goods Moving Company Without the Necessary Certificate; Imposing Penalties (Order 03). The order (a) found that Chana Green d/b/a Great American Moving and Storage (Great American or Company) operated unlawfully as a household goods moving company, (b) required the Company to cease those operations, and (c) imposed a penalty of \$5,000 for two violations of RCW 81.80.075(1). Order 03 required Great American to pay \$1,500 of the penalty within 10 days after the order became final and suspended the remaining \$3,500 conditioned on the Company’s strict compliance with the order.

- 2 On January 14, 2014, the Commission issued a Notice of Finality, confirming that Order 03 was final, no party having sought administrative review within the time period specified in Commission rules for petitioning for such review.

- 3 On February 25, 2014, the Commission issued a notice stating that the Company had not paid the \$1,500 of the penalty amount that was due no later than January 24, 2014. As a result, the Commission confirmed that Great American had failed to comply with the conditions of Order 03 suspending \$3,500 of the penalty and that the entire \$5,000 was immediately due and payable.

- 4 On March 4, 2014, Great American filed a Motion for Extension of Deadline to Reconsider the Final Order and Motion to Reconsider (Motions).¹ The Company states that Chana Green was out of the country from December 31, 2013 through January 22, 2014, and she did not resume managing day-to-day operations until February 1, 2014. Great American contends that because of this absence, it did not understand the facts in Order 03 and did not receive due process. The Company asks that the Commission reinstate the suspension of the \$3,500 portion of the penalty.
- 5 On March 6, 2014, Commission Staff filed a response in opposition to the Motions (Response). Staff observes that the rule Great American cites in support of its motions is inapplicable to Commission proceedings and that no applicable statute or rule authorizes the relief the Company requests. Staff argues that Ms. Green's travel plans neither excuse nor explain her tardiness in seeking reconsideration and that the Commission properly served Great American and thus there was no denial of due process.²

DISCUSSION

- 6 We deny the Motions. We agree with Staff that Ms. Green's travels and claimed lack of legal support do not explain or excuse the Company's failure to pay the \$1,500 penalty amount that was due January 24, 2014. The Commission entered and served Order 03 one week before Ms. Green took her leave of absence, providing her and the Company with adequate notice of the Order and its requirements prior to her departure. The Commission entered and served the Notice of Finality on January 14, 2014, again in full compliance with RCW 34.05.473(1)(a) and due process.
- 7 Great American failed to take any action in response to that Order until after the Commission issued its notice on February 25, 2014, that the entire \$5,000 was due and payable – over one month after Ms. Green returned from her travels. Great American still has not paid the \$1,500 portion of the penalty the Company states that it is willing to pay. The two small payments Great American made on February 26 and March 6, 2014, appear to be more of an attempt to enhance the credibility of its

¹ Great American also submitted two \$200 payments to be credited toward the penalty assessment on February 26, 2014 (the day after the Commission issued the notice that the full \$5,000 penalty was due and payable) and March 6, 2014 (two days after the Company initially filed its Motions).

² On March 19, 2014, Great American filed a Reply in Response of Commission Staff in Opposition to Respondent's Motions. The Commission's procedural rules do not authorize a reply and thus we do not consider the arguments made in this filing.

Motions than a legitimate effort to pay the penalty. We find nothing in the Motions or Great American's actions that give us any reason to believe that the Company would be any more likely to comply with Order 03 if the Commission were to re-suspend \$3,500 of the assessed penalty, even if we were inclined to do so.

ORDER

- 8 THE COMMISSION ORDERS that the Motion for Extension of Deadline to Reconsider the Final Order and Motion to Reconsider filed by Chana Green, d/b/a Great American Moving and Storage, are DENIED. The full \$5,000 penalty, less the \$400 paid to date, remains overdue and payable.

Dated at Olympia, Washington, and effective May 8, 2014.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER, Chairman

PHILIP B. JONES, Commissioner

JEFFREY D. GOLTZ, Commissioner