

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Investigation of	DOCKET TV-240620
AIRUS MOVERS LLC	ORDER 03
For Compliance with WAC 480-15-530, WAC 480-15-550, WAC 480-15-555, WAC 480-15-560, and RCW 81.80.075	IMPOSING SUSPENDED PENALTY

BACKGROUND

- 1 September 5, 2024, in Docket TV-240620, the Washington Utilities and Transportation Commission (Commission) issued a Notice of Intent to Cancel Permit as a Household Good Carrier (NOIC)/Notice of Brief Adjudicative Proceeding against Airus Movers LLC (Airus Movers or Company).¹ The NOIC provided notice of Commission staff's (Staff) intent to cancel Airus Movers' Permit to provide services as a household goods carrier effective October 13, 2024.
- 2 September 9, 2024, the Commission issued a notice of penalty assessment (Penalty Assessment) against Airus Movers for \$15,600, which was immediately due and payable. The Penalty Assessment included 202 violations of chapter 480-15 Washington Administrative Code (WAC) as follows:
 - Nine violations of WAC 480-15-555(1) - Failure to complete a criminal background check for every person the carrier intends to hire.
 - One hundred forty-three violations of 49 C.F.R. § 391.45(a) - Using a driver not medically examined and certified.
 - Four violations of 49 C.F.R. § 391.51(a) - Failing to maintain driver qualification file on each driver employed.
 - Forty-two violations of 49 C.F.R. § 395.8(a)(1) - Failing to require a driver to prepare a record of duty status using the appropriate method.

¹ *In the Matter of the Investigation of Airus Movers, LLC for Compliance with WAC 480-15-530, WAC 480-15-550, WAC 480-15-555, WAC 480-15-560, and RCW 81.80.075, Docket TV-240620 Notice of Intent to Cancel Certificate, Notice of Brief Adjudicative Proceeding (September 5, 2024).*

- Two violations of 49 C.F.R. § 396.3(b) - Failing to keep minimum records of inspection and vehicle maintenance.
- Two violations of 49 C.F.R. § 396.17(a) - Using a commercial motor vehicle not periodically inspected.

3 On October 2, 2024, the Commission convened a Brief Adjudicative Proceeding before Administrative Law Judge M. Hayley Callahan. The Company did not attend the Brief Adjudicative Proceeding. Assistant Attorney General Cassandra Jones represented Staff. Staff moved to hold Airus Movers in default and requested the Commission to hear the merits of the case. The Commission granted Staff's motion and request.

4 October 10, 2024, Airus submitted a safety management plan (SMP).² On October 11, 2024, Staff filed its Evaluation of the Company's SMP (First SMP Evaluation).³ According to the First SMP Evaluation, the SMP submitted on October 10, 2024, did not meet the requirements of 49 C.F.R. § 385 to justify an upgrade of the Company's unsatisfactory safety rating. Therefore, Staff reiterated its recommendation that the Company's provisional household goods permit be cancelled.

5 On October 21, 2024, the Commission entered Order 01 in this docket, finding the Company in default for not appearing at the Brief Adjudicatory Proceeding, accepting Staff's recommendation to cancel, and assessing the penalty contained in the Penalty Assessment of \$15,600.⁴

6 On October 24, 2024, within the ten (10) day period for requesting reconsideration, Airus Movers submitted a Request for Mitigation, requesting a reduction of the penalty, a payment plan, and explaining the Company's absence at hearing was due to the Notice of Brief Adjudicatory Proceeding being sent to the Company's spam folder.

7 On October 31, 2024, Staff submitted a Second SMP Evaluation. The Second SMP Evaluation stated that on October 30, 2024, Airus Movers submitted an updated SMP addressing each violation noted throughout the investigation.⁵ Staff stated that the updated SMP meets the legal requirements of 49 C.F.R. § 385 and that Staff would support Airus Movers if the Company attempted to reinstate its permit.⁶

² Staff's Evaluation of Airus Movers LLC's Safety Management Plan (Evaluation), filed October 11, 2024.

³ First SMP Evaluation at 1.

⁴ *In re the Investigation of Airus Movers, LLC*, Docket TV-240620, ¶¶20-22 (Oct. 21, 2024).

⁵ Second SMP Evaluation at 1.

⁶ Second SMP Evaluation at 2.

8 In the Second SMP Evaluation, Staff also responded to Airus Movers' Request for Mitigation. Staff stated that the Company was cooperative, provided Staff with evidence the Company took corrective action to address first-time violations, and implemented procedures to prevent violation recurrence.⁷ Accordingly, Staff recommended the \$15,600 penalty be reduced to \$7,800, that \$3,900 of the \$7,800 be suspended for two years and then waived subject to conditions, and notified the Commission that Staff and Airus Movers had agreed to a payment plan.⁸ Staff recommended the Commission grant reduction, mitigation, and a payment plan for the penalties. Staff's recommended conditions for mitigation of the \$3,900 portion of the penalty were as follows:

1. Airus Movers maintains a conditional safety rating [for two years];
2. Staff perform a follow-up safety investigation at least six months from the date of the order;
3. The Company may not incur repeat violations upon reinspection; and
4. Airus Movers pay the \$3,900 that is not suspended [according to the payment plan over twelve (12) months].⁹

9 On November 1, 2024, Airus Movers filed a Request for Reconsideration, requesting reconsideration of Order 01 and reinstatement of the Company's permit. The Company reiterated its earlier statement in its request for mitigation that the Company was not aware of the hearing due to the notice going to a spam folder and further committing to address the concerns of the Commission.

10 On November 7, 2024, Staff filed a Response to Airus Movers' Request for Reconsideration (Response). In Staff's Response, Staff reiterated its support for the Company's mitigation request and entry of a payment plan. Further, Staff supported the Commission taking action to reinstate the Company's permit and upgrade its safety rating to "conditional."

11 On November 18, 2024, the Commission entered Order 02, granting the Company's request for mitigation, approving payment plan, and granting the Company's request for reconsideration. Specifically, the \$15,600 penalty was reduced to \$7,800, of which \$3,900 was suspended for a period of two years subject to the conditions that: (1) Airus Movers maintain a conditional safety rating for two years; (2) Staff perform a follow-up safety investigation at least six months from the date of the order; (3) The Company not incur repeat violations upon reinspection; and (4) Airus Movers pay the \$3,900 that is not

⁷ Second SMP Evaluation at 3.

⁸ Second SMP Evaluation at 3.

⁹ Second SMP Evaluation at 3.

suspended according to the established payment plan over twelve (12) months.¹⁰ Further, Airus Mover's safety rating was upgraded to "conditional," and the Company's conditional permit was reinstated.

- 12 On June 13, 2025, Staff filed a letter in this docket indicating that Airus Movers has failed to satisfy each requirement of Order 02 by incurring repeat violations upon reinspection and, therefore, recommends that the Commission impose the \$3,900 suspended penalty.

DISCUSSION

- 13 We find that Airus Moving has violated the conditions of Order 02 by incurring repeat violations upon reinspection. Therefore, the entire balance of the suspended penalty in the amount of \$3,900 is now due and payable.

ORDER

THE COMMISSION ORDERS THAT:

- 14 (1) Airus Movers LLC has not complied with the conditions under which the Commission suspended a \$3,900 portion of mitigated penalty levied in Order 02.
- 15 (2) The \$3,900 suspended penalty is now due and payable.

DATED at Lacey, Washington, and effective June 18, 2025.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

/s/ Connor Thompson
CONNOR THOMPSON
Administrative Law Judge

¹⁰ Pursuant to the Payment Plan, Airus Movers was to pay \$325 each month, for twelve (12) months, with the first payment due on or before December 16, 2024, with the last payment made on or before November 17, 2025.