



Investigation Report

Access Gentle Moving Corp.

Docket TV-112118

Rayne Pearson
Compliance Investigations

December 2011

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PURPOSE, SCOPE AND AUTHORITY

Purpose

Access Gentle Moving Corp. (Access Gentle Moving) holds common carrier authority within the state of Washington, including the transportation of household goods. The purpose of this investigation is to determine the company's compliance with Washington state laws and Washington Utilities and Transportation Commission rules.

Scope

The scope of the investigation focuses on the intrastate transportation of household goods in Washington by Access Gentle Moving for the months of January through March 2011, and the company's compliance with state laws and commission rules during that period.

Authority

Staff conducts this investigation pursuant to Revised Code of Washington (RCW) 81.04.070, RCW 81.80.130, and RCW 81.80.330. Washington Administrative Code (WAC) 480-15-010 gives the commission authority to regulate companies that transport household goods within the state of Washington.

Staff

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EXECUTIVE SUMMARY

An investigation into the business practices of Access Gentle Moving found that the company is in violation of commission rules and Household Goods Tariff 15-C, as follows:

- Failure to supply an estimate to each customer prior to moving household goods in violation of WAC 480-15-630.
- Failure to complete a cube sheet inventory in violation of WAC 480-15-630 and Tariff 15-C, Item 85(2)(g).
- Failure to include the company's fax number on its estimate form in violation of WAC 480-15-630 and Tariff 15-C, Item 85(2)(a).
- Failure to include the company's fax number on its bill of lading form in violation of WAC 480-15-710 and Tariff 15-C, Item 95(1)(a).
- Failure to properly complete bills of lading in violation of WAC 480-15-710 and Tariff 15-C, Item 95(n) and (m).
- Failure to provide a complete response to the commission's data request in violation of RCW 81.04.070.

Recommendation

Based on a review of Access Gentle Moving's business records for six moves performed between January and March 2011, staff recommends a total penalty of \$500, as follows:

- For four violations of WAC 480-15-630 and Tariff 15-C, Item 85, staff recommends a penalty of \$100 per violation, for a total of \$400, for failing to provide an estimate in connection with four of the six moves reviewed.
- For six violations of WAC 480-15-630 and Tariff 15-C, Item 85(2)(g), staff recommends a single penalty of \$100 for failing to provide a cube sheet inventory in connection with each move.

Additionally, staff recommends that Access Gentle Moving attend commission-conducted rule and tariff training on January 17, 2012, in Olympia. Staff also recommends that Access Gentle Moving closely review this report because it provides valuable technical assistance in each of the areas that need improvement, including proper format of estimates, format and completion of bills of lading, and responding to commission requests for information.

Staff will conduct a follow up investigation of the company's operations in one year.

BACKGROUND

Company History

Access Gentle Moving was granted permanent operating authority on August 30, 2001, in Docket No. MV-150328.

Access Gentle Moving is a profit corporation governed by Todd Brenden, Viola Brenden, and Sebastian Brenden. The company's business address is 16220 193rd Ave SE, Renton, Washington 98058.

Company Information

Since 2001, when Access Gentle Moving was granted permanent operating authority, there have been four consumer complaints filed against the company, as summarized below.

Complaint 102377

In this complaint, staff cited 26 violations of commission rules and Tariff 15-B, as follows:

- One violation of WAC 480-15-400 (now WAC 480-15-180) for operating without a permit at the time of the move.
- One violation of WAC 480-15-650 (now WAC 480-15-630) for failure to obtain the customer's signature on the estimate.
- One violation of WAC 480-15-490(5) (now WAC 480-15-490(3)) for failure to obtain the customer's initials for the selected valuation on the bill of lading.
- One violation of WAC 480-15-490(5) (now WAC 480-15-490(3)) for failure to obtain customer's initials for the selection of either a binding or nonbinding estimate on the bill of lading.
- One violation of WAC 480-15-490(5) (now WAC 480-15-490(3)) for charging a rate that violated Tariff 15-B (now Tariff 15-C).
- One violation of WAC 480-15-490(5) (now WAC 480-15-490(3)) for failure to obtain the customer's initials for the selected valuation on the estimate.
- One violation of WAC 480-15-490(5) (now WAC 480-15-490(3)) for failure to include a summary of charges on the bill of lading.
- One violation of WAC 480-15-490(5) (now WAC 480-15-490(3)) for failure to indicate whether the customer had received a copy of "Your Guide to Moving in Washington State."
- One violation of WAC 480-15-490(5) (now WAC 480-15-490(3)) for failure to provide information sufficient to determine whether the rate billed was properly charged.
- One violation of WAC 480-15-490(5) (now WAC 480-15-490(3)) for failure to obtain the signatures of both the customer and the estimator.
- One violation of WAC 480-15-490(5) (now WAC 480-15-490(3)) for failure to provide specific information regarding basic valuation protection, as required by Tariff 15-B (now Tariff 15-C).

- One violation of WAC 480-15-490(5) for failure to provide specific information regarding depreciated value protection, as required by Tariff 15-B (no longer permitted by Tariff 15-C).
- One violation of WAC 480-15-490(5) (now WAC 480-15-490(3)) for failure to provide sufficient information regarding charges for dish packs.
- One violation of WAC 480-15-490(5) (now WAC 480-15-490(3)) for failure to itemize charges.
- Eight violations of WAC 480-15-490(5) (now WAC 480-15-490(3)) for failure to include required contract language on the back of the bill of lading.

Complaint 106034

In this complaint, staff cited 11 violations of commission rules and Tariff 15-C, as follows:

- One violation of WAC 480-15-630 for failure to offer or allow this customer the option to pay 110% of the original nonbinding estimate and 30 days to pay the remaining unpaid charges.
- Two violations of WAC 480-15-630 for failure to complete a cube sheet inventory as required by Tariff 15-C.
- One violation of WAC 480-15-660 for failure to issue a supplemental estimate when required.
- One violation of WAC 480-15-710 for failure to obtain the company representative's signature on the bill of lading.
- One violation of WAC 480-15-710 for failure to list the customer's phone number on the bill of lading.
- One violation of WAC 480-15-710 for failure to list the exact address of the origin of the move on the bill of lading.
- One violation of WAC 480-15-710 for failure to list the exact address of the destination of the move on the bill of lading.
- Three violations of WAC 480-15-710 for failure to include correct valuation language.

Complaint 106754

In this complaint, staff cited eight violations of commission rules and Tariff 15-C, as follows:

- One violation of WAC 480-15-490(3) for failure to include the company's address on the estimate.
- One violation of WAC 480-15-490(3) for failure to indicate whether the customer had received a copy of "Your Guide to Moving in Washington State."
- One violation of WAC 480-15-490(3) for failure to complete a cube sheet inventory.
- One violation of WAC 480-15-490(3) for crossing out the 125% language regarding non-binding moves on the estimate.
- One violation of WAC 480-15-490(3) for failure to include travel time.
- One violation of WAC 480-15-490(3) for failure to include valuation options.
- One violation of WAC 480-15-490(3) for including language in the storage section that violated Tariff 15-C.

- One violation of WAC 480-15-490(3) for failure to include the company address on the estimate.

Complaint 111225

In this complaint, staff cited 39 violations of commission rules and Tariff 15-C, as follows:

- One violation of WAC 480-15-630 for failure to provide the customer with an estimate prior to the move.
- One violation of WAC 480-15-710(3) for failure to include the company’s fax number on the bill of lading.
- Twelve violations of WAC 480-15-710(3) for charging the customer for packing materials that were not disclosed on the bill of lading.
- Twenty-five violations of WAC 480-15-890(1) for providing an incomplete initial response to the complaint.

On August 11, 2008, the company’s permit was suspended for failure to maintain required insurance in Docket No. TV-081479. Proof of insurance was received on September 19, 2008, and the company’s permit was reinstated.

On October 20, 2008, the company’s permit was suspended a second time for failure to maintain required insurance in Docket No. TV-081892. Proof of insurance was received on November 12, 2008, and the company’s permit was reinstated.

Revenue for Access Gentle Moving as reflected in its most recent annual reports filed with the commission is as follows:

Reporting Year	Date Filed	Revenue
2008	May 4, 2009	\$58,885.98
2009	May 5, 2010	\$50,370.88
2010	May 9, 2011	\$51,169.71

2008 Investigation

In 2008, Complaint 102377 prompted staff to conduct an investigation into the business practices of Access Gentle Moving. The resulting investigation report provided the company with extensive technical assistance for the following violations:

- Conducting operations under different names than the name shown on its household goods permit in violation of WAC 480-15-390.
- Failure to file its annual report by the required due date each year in violation of WAC 480-15-480.
- Failure to complete a visual inspection of the goods to be moved and supply an estimate to each customer prior to moving household goods in violation of WAC 480-15-630.
- Failure to use a proper estimate format and fails to accurately complete its estimate forms in violation of WAC 480-15-630 and Tariff 15-C, Item 85.
- Failure to use a proper bill of lading format, including the contract terms and conditions, in violation of Tariff 15-C, and WAC 480-15-710.

- Failure to properly complete its bills of lading in violation of Tariff 15-C, and WAC 480-15-710.
- Failure to accurately record or calculate rates and charges on its bills of lading in violation of Tariff 15-C and WAC 480-15-490.
- Providing advertising and Web site information that is deceptive or misleading in violation of WAC 480-15-610.

Staff met with Mr. Brenden to provide additional technical assistance.

Household Goods Carrier Training

The commission offers a quarterly training to all permitted household goods carriers. The one-day training covers safety requirements, consumer protection requirements, and Tariff 15-C. Because of recommendations made in the 2008 investigation report, Todd Brenden attended household goods training on April 7, 2009.

Investigation

Staff initiated this investigation into the business practices of Access Gentle Moving based on a routine review of permitted carriers.

INVESTIGATION

Data Request

On April 27, 2011, staff requested the following records and information from Access Gentle Moving:

1. For every residential move performed within the state of Washington from January 1, 2011, through March 31, 2011, please provide all supporting documents related to each customer's move, including, but not limited to, the bill of lading, estimate, supplemental estimate, inventory records, weight slips, and all documents related to temporary storage of the goods.
2. A copy of the company's customer complaint and claims register, listing all complaints and claims received from January 1, 2011, through March 31, 2011, and including all documents related to each complaint and claim.

A copy of the data request is attached as Appendix A.

Staff requested a response from Access Gentle Moving by May 11, 2011. A response was received on May 10, 2011. Access Gentle Moving reported no complaints or damage claims for the period of January 1 through March 31, 2011.

Staff used the documents and information furnished from this data request to conduct its investigation of the company's business practices. Of the eight moves reviewed, two were non-jurisdictional (e.g. commercial or in-home). Each of the six moves reviewed were local, or hourly-rated.

ESTIMATES – REQUIRED

Investigation

WAC 480-15-630 requires a household goods moving company to provide a written estimate to every customer before the move occurs. An estimate is a written approximation of the cost of a move prepared in compliance with the provisions of the household goods rules and tariff. Estimates are based on factors such as the size of the shipment and the van or truck space required, the weight of the household goods, the amount of time needed to complete the move, and the type of special services to be provided. A household goods company may provide customers with either a binding or non-binding estimate.

In the commission's data request, staff requested that Access Gentle Moving furnish "all supporting documents related to each customer's move, including, but not limited to, the bill of lading, estimate, supplemental estimate ..." for the months of January through March 2011.

Of the six moves reviewed, four did not include estimates. Only two customers—McGardey and Pirak—were provided with an estimate in connection with their moves.

Technical Assistance

The 2008 investigation report cited 26 violations of WAC 480-15-630 for failing to provide customers with written estimates in advance of the move.

Findings

Access Gentle Moving failed to provide estimates to four customers prior to transporting those customers' goods, which constitutes four violations of WAC 480-15-630 and Tariff 15-C, Item 85.

Recommendation

Staff recommends a \$100 penalty for each of the four violations of WAC 480-15-630, for a total penalty of \$400.

ESTIMATES – CUBE SHEETS

Investigation

WAC 480-15-630 requires a household goods company to issue an estimate prior to every move, and requires that the estimate include all of the elements required by Tariff 15-C, Item 85. Tariff 15-C, Item 85, section 2(g) requires, with each estimate, “a household goods cube sheet.” A cube sheet is an inventory of the items upon which the estimate is based, and the estimated cubic footage for each item.

Access Gentle Moving failed to complete and provide cube sheets for each of the six moves performed during the review period.

Technical Assistance

In consumer complaints 106034 and 106754, Access Gentle Moving was cited for violations of WAC 480-15-630 and Tariff 15-C for failing to complete cube sheet inventories.

Technical assistance was provided in connection with both of these complaint investigations, and Access Gentle Moving was notified of the violations. The 2008 investigation report also cited violations for failing to provide cube sheet inventories.

Findings

Access Gentle Moving failed to complete cube sheet inventories for each of the six moves reviewed, which constitutes six violations of WAC 480-15-630 and Tariff 15-C, Item 85(2)(g).

Recommendation

Staff recommends a single \$100 penalty for six violations of WAC 480-15-630.

ESTIMATES – FORMAT

Investigation

WAC 480-15-630 requires a household goods company to issue an estimate prior to every move, and requires that the estimate include all of the elements listed in Tariff 15-C, Item 85.

For the two moves where estimates were provided, the company failed to include its fax number on the estimate form, as required by Tariff 15-C, Item 85(2)(a).

Findings

For the two moves where estimates were provided, Access Gentle Moving failed to include its fax number on the estimate form in violation of WAC 480-15-630 and Tariff 15-C, Item 85(2)(a).

Recommendation

Staff advises that Access Gentle Moving must provide an estimate form that includes all information required by WAC 480-15-630 and Tariff 15-C. The correct form is available on the commission's website at www.utc.wa.gov/mover. Staff considers this investigation as the company's technical assistance regarding estimate format. If future violations are found, staff may recommend penalties or take other enforcement action.

BILLS OF LADING – FORMAT AND COMPLETION

Investigation

WAC 480-15-710(3) requires a household goods company to issue a properly completed bill of lading for every move that includes all of the requirements listed in Tariff 15-C, Item 95.

The bill of lading used by Access Gentle Moving for the six moves performed during the review period failed to include the company's fax number, as required by Item 95(1)(a).

Additionally, Access Gentle Moving failed to properly complete each of the six bills of lading as required by WAC 480-15-710(3) and Tariff 15-C, Item 95, as follows:

- For three customers, Access Gentle Moving failed to record the charges associated with the move in the itemized charges section, as required by Item 95(1)(n).
- For two customers, Access Gentle Moving failed to record arrival and departure times, as required by Item 95(1)(m).
- For two customers, Access Gentle Moving failed to record interruptions times, as required by Item 95(1)(m).
- For one customer, Access Gentle Moving failed to properly charge travel time, as required by Item 230(4). For customer Lacaden, only end time travel was charged.

Findings

Access Gentle Moving issued improperly formatted bills of lading for each of the six moves performed during the review period and failed to properly complete bills of lading for each of those moves, which constitutes six violations of WAC 480-15-710(3) and Tariff 15-C, Item 95.

Recommendation

Staff advises that Access Gentle Moving must provide a properly formatted bill of lading for every move. Access Gentle Moving must also properly complete the bill of lading for every move. The bill of lading form must include all information required by Tariff 15-C, Item 95. A commission-approved bill of lading can be found on the commission's website at www.utc.wa.gov/mover. Staff considers this investigation as the company's technical assistance regarding bill of lading format and completion. If future violations are found, staff may recommend penalties or take other enforcement action.

RESPONSE TO COMMISSION DATA REQUEST

Investigation

RCW 81.04.070 provides that “any person employed by the commission, shall have the right, at any and all times, to inspect the accounts, books, papers and documents of any public service company.” The data request sent to Access Gentle Moving on April 27, 2011, referenced this provision as the commission’s authority for requesting the company’s records.

Complaint 111225 was filed with the commission’s consumer protection section on April 21, 2011, and concerned a move that was performed on March 27, 2011, which fell within the period of review identified in the data request. The documents produced by Access Gentle Moving in response to the data request, however, did not include the move for customer Irish, who filed Complaint 111225.

Findings

Access Gentle Moving violated RCW 81.04.070 by providing an incomplete response to staff’s data request of April 27, 2011. Staff requested documents for all moves performed between January 1 and March 31, 2011, and customer Irish’s move was performed on March 27.

Recommendation

Staff advises that Access Gentle Moving must provide complete and timely responses to commission data requests, as required by RCW 81.04.070. Staff considers this investigation as the company’s technical assistance regarding required responses to commission data requests. If future violations are found, staff may recommend penalties or take other enforcement action.

SUMMARY OF RECOMMENDATIONS

1. Staff recommends Access Gentle Moving attend commission-conducted rule and tariff training on January 17, 2012, in Olympia.
2. Staff recommends a total penalty of \$500 for the following five violations, each of which has been addressed by prior technical assistance:
 - For four violations of WAC 480-15-630 and Tariff 15-C, Item 85, staff recommends a penalty of \$100 per violation, for a total of \$400, for failing to provide an estimate in connection with four of the six moves reviewed.
 - For six violations of WAC 480-15-630 and Tariff 15-C, Item 85(2)(g), staff recommends a single penalty of \$100 for failing to provide a cube sheet inventory in connection with each move.
3. Staff recommends Access Gentle Moving closely review this report because it provides valuable technical assistance in other areas that need improvement, as follows:
 - Access Gentle Moving must provide a properly completed estimate to each customer prior to moving the customer's goods. The estimate form must include all information required by WAC 480-15-630 and Tariff 15-C, Item 85.
 - Access Gentle Moving must provide a properly formatted bill of lading for every move, and must properly complete its bills of lading. The bill of lading form must include all information required by Tariff 15-C, Item 95.
 - Access Gentle Moving must provide complete responses to commission data requests, as required by RCW 81.04.070.

If future violations are found in these areas, staff may recommend penalties or take other enforcement action.

APPENDIX A



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

April 27, 2011

Todd Brenden
Access Gentle Moving Corp.
16220 – 193rd Ave. SE
Renton, WA 98058

13105 SE 30th St.
Bellevue WA 98005

RE: Data Request

Dear Mr. Brenden:

Under Washington State law (Revised Code of Washington 81.04.070), the Utilities and Transportation Commission has the right to inspect the accounts, books, papers, and documents of any household goods moving company doing business in this state.

As part of a staff review of your household goods moving company, please send us the following information and documents:

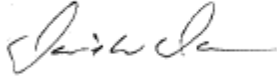
1. For every residential move performed within the state of Washington from January 1, 2011, through March 31, 2011, please provide all supporting documents related to each customer's move, including, but not limited to, the bill of lading, estimate, supplemental estimate, inventory records, weight slips, and all documents related to temporary storage of the goods.
2. A copy of the company's customer complaint and claims register, listing all complaints and claims received from January 1, 2011, through March 31, 2011, and including all documents related to each complaint and claim.

Access Gentle Moving Corp.
April 27, 2011
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You are required to furnish the above requested documents to commission staff by no later than 5:00 p.m. on May 11, 2011. Please attach a copy of this letter to the documents for reference.

If you have any questions you may contact Rayne Pearson, Compliance Investigator. Ms. Pearson can be reached at (360) 664-1111 or by email at rpearson@utc.wa.gov.

Sincerely,



David W. Danner
Executive Director and Secretary