

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In re Application of

NEO MOVING LLC

for a permit to operate as a motor carrier
of household goods

DOCKET TV-210382

NOTICE OF INTENT TO DENY
APPLICATION FOR
PROVISIONAL AND
PERMANENT AUTHORITY

NOTICE OF OPPORTUNITY
FOR HEARING

BACKGROUND

- 1 On May 27, 2021, Neo Moving LLC (Neo Moving or Applicant) filed with the Washington Utilities and Transportation Commission (Commission) an application for provisional and permanent authority to operate as a household goods carrier in the state of Washington (Application).
- 2 RCW 81.80.075(3) requires the Commission to consider whether an applicant for a household goods carrier permit is fit to perform the services proposed and willing and able to conform to the requirements, rules, and regulations of the Commission, and whether the operations are consistent with the public interest.
- 3 The Commission will grant or deny an application for permanent authority after it conducts a complete review of the application, including supporting statements, reports, or other information necessary to determine fitness. RCW 81.80.075(3) provides that the Commission may reject or deny an application for permanent authority if the Commission believes the applicant is unfit, or if issuing the permit is not consistent with the public interest.
- 4 The Commission will not grant provisional or permanent authority if an applicant or any of its employees has been convicted of any crime involving theft, burglary, assault, sexual misconduct, identity theft, fraud, false statements, or the manufacture, sale or distribution of a controlled substance within five years of the date of the application¹ or more than five years prior to the date of the application if the Commission determines that the nature or extent of the crime(s) will likely interfere with the proper operation of a household goods moving company.²
- 5 If it is necessary to resolve outstanding issues or concerns related to fitness, the public interest, or any other issue resulting from a complaint or public comment, the

¹ WAC 480-15-302(8)(a), WAC 480-15-305(1)(d).

² WAC 480-15-302(8)(b), WAC 480-15-305(2).

Commission may hold a hearing or brief adjudicative proceeding on any application for permanent authority.³

6 Commission staff (Staff) has reviewed the Application and recommends that the Commission deny the Application for the reasons set out below.

FACTUAL ALLEGATIONS

7 The Commission's household goods carrier application requires applicants to disclose whether any person named in the application has been convicted of several enumerated crimes within the past five years, including assault.

8 The Application identifies Charley Bowling as the Owner of Neo Moving.

9 The Application disclosed that Bowling was convicted of "domestic violence" and "obstruct law enforcement" on "10/17." The Application did not disclose any other conviction or citation of any person named in the Application to the Commission.

10 On May 27, 2021, Staff requested a background check and Washington State Patrol Washington Access to Criminal History (WATCH) report for Bowling.

11 In order to resolve a potential discrepancy between the background check and WATCH report, Staff also reviewed a Judgment and Sentence from Snohomish County District Court pertaining to Bowling.

12 Using the Judgment and Sentence, Staff verified that Bowling had been convicted of Assault in the Fourth Degree with domestic violence pled and proven on October 17, 2018, as detailed in the WATCH report.

13 Under WAC 480-15-302(8)(a), the Commission will not grant provisional authority if any named person has, within the past five years, been convicted of any crime involving theft, burglary, assault, sexual misconduct, identity theft, fraud, false statements, or the manufacture, sale, or distribution of a controlled substance.

14 Pursuant to WAC 480-15-302(8)(a), Staff recommends the Commission deny the Application because one of the named persons in the Application has been convicted for a crime involving assault within the past five years.

DISCUSSION

15 Based on the information Staff presented, the Commission agrees with Staff's recommendation and intends to deny the Application.

³ WAC 480-15-350.

- 16 Staff's findings support the conclusion that the Applicant has failed to meet the requirements of RCW 81.80.75(3) and WAC 480-15-302(8)(a), and that the Commission should deny the Application.

NOTICE

- 17 The Commission hereby provides notice of its intention to deny Neo Moving's application for provisional and permanent authority for failure to meet the application requirements of RCW 81.80 and WAC 480-15.
- 18 **NOTICE OF OPPORTUNITY FOR HEARING.** Neo Moving may request a hearing to contest the factual allegations set out in this notice. Neo Moving may request such a hearing by filing a written request for a hearing with the Commission by **July 9, 2021**. The request must be directed to the attention of Mark L. Johnson, Executive Director and Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, Olympia, WA 98504-7250, and must reference Docket TV-210382.
- 19 If Neo Moving requests a hearing by July 15, 2021, the Commission will schedule a brief adjudicative proceeding under RCW 34.05.482 and WAC 480-07-610. If Neo Moving does not request a hearing by that date, the Commission will enter an order rejecting the Application.

DATED at Lacey, Washington, and effective June 30, 2021.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARK L. JOHNSON
Executive Director and Secretary