

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In re Application of

Accurate NW Moves LLC,

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

DOCKET TV-230083

NOTICE OF INTENT TO DENY
APPLICATION FOR PERMANENT
AUTHORITY

NOTICE OF OPPORTUNITY FOR
HEARING

BACKGROUND

- 1 On July 1, 2022, Accurate NW Moves LLC (Accurate NW) filed with the Washington Utilities and Transportation Commission (Commission) an application for authority to operate as a household goods carrier in the state of Washington (Application). The Application lists Andrew Gibbs as Accurate NW's owner.
- 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. RCW 81.80.075(3) also requires the Commission to consider whether the applicant's proposed 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. The Commission's rules provide 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 in the public interest.¹
- 4 The Commission will not grant provisional or permanent authority if an applicant or any person named in the application 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

¹ See generally WAC 480-15-302, -305.

the application,² or if the applicant or any person named in the application was convicted of any of those same crimes more than five years prior to the date of the application and the Commission determines that the nature or extent of the crime or crimes will likely interfere with the proper operation of a household goods moving company.³ The Commission may also deny an application if it contains any indication of fraud, misrepresentation, or erroneous information,⁴ or if other circumstances indicate that the applicant is unfit.⁵

5 If it is necessary to resolve outstanding issues or concerns related to fitness or the public interest, or any other issue resulting from a complaint or public comment, the Commission may hold a hearing or brief adjudicative proceeding on any application for permanent authority.⁶

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

FACTUAL ALLEGATIONS

7 On July 1, 2022, Staff examined the criminal histories of persons named in the Application using the TLOxp service offered by TransUnion and the Washington Access to Criminal History service offered by the Washington State Patrol.

8 Those reports disclose multiple criminal convictions for Andrew Gibbs. These convictions include felony convictions for Assault in the Third Degree (in 2017), Burglary in the Second Degree (in 2014), Taking a Motor Vehicle Without Permission in the Second Degree (in 2014), and Possession of Stolen Property in the First Degree (in 2014), and Possession of a Controlled Substance (in 2014); a gross misdemeanor conviction for Vehicle Prowling in the Second Degree (in 2014); and misdemeanor convictions for Vehicle Prowling (in 2016), Criminal Solicitation (in 2013), Making False or Misleading Statements to a Public Servant (in 2012), and Obstructing Law Enforcement Officer (in 2012).

² WAC 480-15-302(8)(a).

³ WAC 480-15-302(8)(b).

⁴ WAC 480-15-302(2).

⁵ WAC 480-15-302(13).

⁶ WAC 480-15-350.

- 9 Accurate NW's Application lists only the convictions for possession of a controlled substance, taking a motor vehicle, and burglary.
- 10 Under WAC 480-15-302(2), the Commission may deny an application containing any indication of fraud, misrepresentation, or erroneous information. Staff believes that Accurate NW's application contains fraud, misrepresentation, or erroneous information because it failed to include several of Gibbs's criminal convictions.
- 11 Under WAC 480-15-302(8)(b), the Commission will deny operating authority to an applicant if a person named in the application 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 more than five years prior to the date of the application and the Commission determines that the nature or extent of the crime or crimes will likely interfere with the proper operation of a household goods moving company. Staff believes that the nature and extent of Gibbs's criminal history involving the specified offenses, including convictions for taking a motor vehicle without permission, burglary, possession of stolen property, and making false statements, will likely interfere with the proper operation of a household goods moving company.
- 12 Under WAC 480-15-302(13), the Commission will deny operating authority when other circumstances justify doing so. Although WAC 480-15-302(8)(b) does not include vehicle prowling, obstruction of a law enforcement officer, or criminal solicitation as crimes that will cause the Commission to deny an application, Staff believes that these violations show a disregard for the law and provide an additional basis to deny the application under WAC 480-15-302(13).
- 13 Staff recommends the Commission deny Accurate NW's Application for failure to meet the requirements of WAC 480-15-302(2), WAC 480-15-302(8)(b), and WAC 480-15-302(13). Staff bases this recommendation on Gibbs's criminal history, which indicates that Gibbs poses an unacceptable risk to consumers and their belongings, as well as the omission of several of Gibbs's convictions in Accurate NW's Application.

DISCUSSION

- 14 Based on the information Staff presented, the Commission agrees with Staff's recommendation and intends to deny the Application. Gibbs's criminal history renders both Gibbs and Accurate NW unfit to operate as a household goods moving company, as

does Accurate NW's failure to disclose material information concerning Gibbs's criminal history in its Application.

- 15 Staff's findings support the conclusion that the Applicant has failed to meet the requirements of WAC 480-15-302(2), WAC 480-15-302(8) and WAC 480-15-302(13), and that the Commission should deny the Application.

NOTICE

- 16 The Commission hereby provides notice of its intention to deny Accurate NW Moves LLC's application for provisional and permanent authority for failure to meet the application requirements in RCW 81.80 and WAC 480-15.

- 17 **NOTICE OF OPPORTUNITY FOR HEARING.** Accurate NW Moves LLC may request a hearing to contest the factual allegations set out in this notice. Accurate NW Moves LLC may request such a hearing by filing a written request for a hearing with the Commission by **March 6, 2023**. The request must be directed to the attention of Amanda Maxwell, Executive Director and Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, Olympia, WA 98504-7250, and must reference Docket TV-230083.

- 18 If Accurate NW Moves LLC requests a hearing by **March 6, 2023**, the Commission will schedule a brief adjudicative proceeding under RCW 34.05.482 and WAC 480-07-610. If Accurate NW Moves LLC does not request a hearing by that date, the Commission will enter an order denying the Application.

DATED at Olympia, Washington, and effective February 17, 2023.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

AMANDA MAXWELL
Executive Director and Secretary