

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of Determining the Proper  
Carrier Classification of, and Complaint  
for Penalties against:

BOGDAN MOMOTYUK d/b/a  
BOGDAN DELIVERY, L.L.C.

DOCKET TV-170746  
(*Consolidated*)

ORDER 03

In the Matter of Determining the Proper  
Carrier Classification of, and Complaint  
for Penalties against:

BM LOGISTICS LLC d/b/a BOGDAN  
MOVERS

DOCKET TV-190023  
(*Consolidated*)

ORDER 02

APPROVING SETTLEMENT  
AGREEMENT

**BACKGROUND**

- 1 On October 25, 2017, the Washington Utilities and Transportation Commission (Commission) entered Order 02 in Docket TV-170746, which classified Bogdan Momotyuk d/b/a Bogdan Delivery, LLC (Bogdan Movers or Company) as a household goods carrier, assessed a penalty of \$5,000, and suspended a \$4,000 portion of the penalty on condition of future compliance.
- 2 On January 16, 2019, the Washington Utilities and Transportation Commission (Commission) entered Order 01 in Docket TV-190023: Order Instituting Special Proceeding; Complaint Seeking to Impose Penalties; and Notice of Mandatory Appearance at Hearing. The Complaint alleges that BM Logistics LLC d/b/a Bogdan Movers (Bogdan Movers or Company) violated RCW 81.80.075(1) by offering and advertising to provide for the transportation of household goods for compensation within the state of Washington without the necessary certificate required for such operations.
- 3 On February 7, 2019, Staff filed with the Commission a letter requesting the Commission impose the suspended penalty in Docket TV-170746 based on the same allegations set forth in Order 01 in Docket TV-190023.
- 4 On February 25, 2019, the Company requested a hearing to contest the allegations set out in the Complaint. In addition, the parties requested the Commission consolidate Dockets TV-190023 and TV-170746 for hearing.

- 5 On February 26, 2019, the Commission issued a notice consolidating the dockets, and setting a brief adjudicative proceeding for March 27, 2019, to determine whether Bogdan Moving has engaged, and continues to engage, in business as a household goods carrier for compensation within the state of Washington without possessing the permit required for such operations.
- 6 On March 27, 2019, the Parties advised the Commission that they had reached a settlement in principle. On April 30, 2019, the Parties filed with the Commission a Settlement Agreement (Agreement), Joint Narrative in support of the Settlement Agreement (Narrative), and Attachment A, Declaration of Bogdan Momotyuk.
- 7 Under the Agreement, Bogdan Movers admits that the facts contained in the Narrative and Attachment A could be construed as the Company advertising as a household goods carrier on January 8, 2019, without the a permit from the Commission in violation of RCW 81.80.075(1) and in violation of the terms of the suspended penalty in Docket TV-170746 Order 02. In order to resolve the matter and avoid the costs associated with a hearing, the Company agrees to pay penalties associated with the advertising violation. In addition, Staff admits there is insufficient evidence to support the allegation that Bogdan Moves offered to provide household good moving services on January 8, 2019, and agrees to withdraw this claim.
- 8 The Agreement provides that the Commission will impose the suspended penalty in Docket TV-170746 Order 02. The Agreement further provides that in Docket TV-190023, the Commission will impose a penalty of \$5,000, a \$4,000 portion of which will be suspended for a period of two years from the effective date of this Order. Bogdan Movers agrees to pay the combined \$5,000 due within 30 calendar days of this Order. Finally, Staff confirms that it will not pursue further enforcement against Bogdan Movers arising out of the allegations set forth in Docket TV-190023.
- 9 Harry Fukano, Assistant Attorney General, Olympia, Washington, represents Staff. Sean Walsh, Owada Law, PC, Lacey, Washington, represents Bogdan Movers.

### DISCUSSION AND DECISION

- 10 WAC 480-07-750(1) states in part: “The commission will approve settlements when doing so is lawful, the settlement terms are supported by an appropriate record, and when the result is consistent with the public interest in light of all the information available to the commission.” Thus, the Commission considers the individual components of the Settlement Agreement under a three-part inquiry, asking:

- Whether any aspect of the proposal is contrary to law.
- Whether any aspect of the proposal offends public policy.

- Whether the evidence supports the proposed elements of the Settlement Agreement as a reasonable resolution of the issue(s) at hand.

The Commission must determine one of three possible results:

- Approve the proposed settlement without condition.
- Approve the proposed settlement subject to conditions.
- Reject the proposed settlement.

- 11 We approve the Agreement without condition. The Company has admitted to the advertising violation in Docket TV-190023, and has agreed to pay the entire \$4,000 penalty in Docket TV-170746 that was suspended on condition of future compliance. The Agreement imposes a new penalty of \$5,000, with \$1,000 to be paid now, and the remainder to be suspended on condition of future compliance. And Staff agrees to withdraw its claim the Bogdan Movers offered a move, admitting there is insufficient evidence to support the allegation.
- 12 The Narrative explains the circumstances leading to the advertising violation and why the violation is unlikely to recur. Following the classification proceeding in TV-170746, Bogdan Movers obtained a household goods permit, which was later cancelled in September 2018. The Narrative states that Bogdan Momotyuk then transferred his Company, trade name, and website to Moveable LLC, and that the website was not updated to reflect the change in ownership. The website continued to display Bogdan Movers' cancelled household goods carrier permit number. Following receipt of the complaint, the website was taken down. We agree with the Parties that because Bogdan Movers<sup>1</sup> sold its Company and trade name to another company, there is a low likelihood that Bogdan Movers will continue to operate as a household goods carrier without Commission authorization. We also agree that the suspended penalty will provide additional incentive to comply with the terms of the settlement and cease offering or advertising household goods services without a permit. The Agreement allows Staff to achieve its goal of bringing the Company into compliance while avoiding the expense, inconvenience, uncertainty, and delay inherent in a litigated outcome.
- 13 The terms of the Agreement are not contrary to law or public policy and reasonably resolve all issues in this proceeding. Given these factors, we find the Agreement is consistent with the public interest and should be approved as filed.

---

<sup>1</sup> For clarity, no reference to "Bogdan Movers" in this Order will be construed to apply to Moveable, LLC d/b/a Bogdan Movers.

**ORDER**

THE COMMISSION ORDERS:

- 14 (1) The Settlement Agreement is approved without condition, is attached as Exhibit A to, and incorporated into, this Order, and is adopted as the final resolution of the disputed issues in this docket.
- 15 (2) The \$4,000 penalty that was suspended in Order 02 in Docket TV-170746 is due and payable within 30 calendar days of this Order.
- 16 (3) BM Logistics d/b/a Bogdan Movers is assessed an additional penalty of \$5,000, of which \$4,000 is suspended for a period of two years and then waived subject to the condition that the Company pay the \$1,000 portion that is not suspended and the \$4,000 assessed in Docket TV-170746 within 30 calendar days of this Order; and that the Company cease offering, advertising, or providing household goods carrier services in the state of Washington without Commission authorization.

DATED at Olympia, Washington, May 17, 2019

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

LAURA CHARTOFF  
Administrative Law Judge

### NOTICE TO PARTIES

This is an Initial Order. The action proposed in this Initial Order is not yet effective. If you disagree with this Initial Order and want the Commission to consider your comments, you must take specific action within the time limits outlined below. If you agree with this Initial Order, and you would like the Order to become final before the time limits expire, you may send a letter to the Commission, waiving your right to petition for administrative review.

WAC 480-07-610(7) provides that any party to this proceeding has twenty-one (21) days after the entry of this Initial Order to file a *Petition for Review*. What must be included in any Petition and other requirements for a Petition are stated in WAC 480-07-610(7)(b). WAC 480-07-610(7)(c) states that any party may file a *Response* to a Petition for review within seven (7) days after service of the Petition.

WAC 480-07-830 provides that before entry of a Final Order any party may file a Petition to Reopen a contested proceeding to permit receipt of evidence essential to a decision, but unavailable and not reasonably discoverable at the time of hearing, or for other good and sufficient cause. No Answer to a Petition to Reopen will be accepted for filing absent express notice by the Commission calling for such answer.

RCW 80.01.060(3) provides that an Initial Order will become final without further Commission action if no party seeks administrative review of the Initial Order and if the Commission fails to exercise administrative review on its own motion.

Any Petition or Response must be electronically filed through the Commission's web portal as required by WAC 480-07-140(5). Any Petition or Response filed must also be electronically served on each party of record as required by WAC 480-07-140(1)(b).

\

**Exhibit A**  
**Settlement Agreement**