

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment
Against

AIRUS MOVERS LLC

in the amount of \$15,600

DOCKET TV-240620

ORDER 04

DENYING MITIGATION; APPROVING
PAYMENT PLAN

BACKGROUND

- 1 On 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 On 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 WAC 480-15 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.

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).*

- 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.
- 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 On 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

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).

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

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 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 was 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

⁵ Second SMP Evaluation at 1.

⁶ Second SMP Evaluation at 2.

⁷ Second SMP Evaluation at 3.

⁸ Second SMP Evaluation at 3.

⁹ Second SMP Evaluation at 3.

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. Order 02 granted Airus Movers' request for mitigation, reducing the \$15,600 penalty to \$7,800, of which \$3,900 was suspended for two years subject to conditions and approved a payment plan. Additionally, Order 02 granted the Company's request for reconsideration, upgraded the Company's safety rating to "conditional," and reinstated the Company's conditional permit.
- 12 On June 13, 2025, Staff filed a letter in this docket indicating that Airus Movers failed to satisfy each requirement of Order 02 by incurring repeat violations upon reinspection and, therefore, recommended that the Commission impose the \$3,900 suspended penalty.
- 13 On June 18, 2025, the Commission issued Order 03. Order 03 imposed a suspended penalty of \$3,900 against Airus Movers for incurring repeat safety violations identified by Staff during a follow-up investigation.
- 14 On June 30, 2025, Airus Movers submitted a request for penalty reduction and a payment arrangement.
- 15 On July 22, 2025, Staff filed a letter in this docket. In this most recent letter, Staff recommends against reduction of the imposed suspended penalty because the overall penalty was previously reduced as an incentive for future compliance that was not achieved. Staff also recommends that the Commission approve the following payment plan mutually agreed upon by Staff and Airus Movers, to replace the existing arrangement in this docket:

Payment Plan		
Installment	Due Date	Amount
1	August 15, 2025	\$435
2	September 15, 2025	\$435
3	October 15, 2025	\$435
4	November 17, 2025	\$435
5	December 15, 2025	\$435
6	January 15, 2026	\$435
7	February 16, 2026	\$435
8	March 16, 2026	\$435
9	April 15, 2026	\$435
10	May 15, 2026	\$435

11	June 15, 2026	\$435
12	July 15, 2026	\$415

DISCUSSION AND DECISION

- 16 The Commission considers several factors when entertaining a request for mitigation, including whether the company introduces new information that may not have been considered in setting the assessed penalty amount, or explains other circumstances that convince the Commission that a lesser penalty will be equally or more effective in ensuring the company's compliance.¹⁰ The Commission also considers whether the violations were promptly corrected, a company's history of compliance, and the likelihood the violation will reoccur.
- 17 Airus Movers was originally penalized \$15,600 for safety violations. That penalty amount was subsequently reduced to \$7,800, of which \$3,900 was suspended for two years subject to conditions. This penalty mitigation was granted as an incentive for future compliance. Unfortunately, the Company incurred repeat safety violations upon reinspection. Thus, the incentive was ineffective. What's more, there are no longer any imposed conditions upon which to incentivize compliance. As a result, the Commission declines to reduce the imposed penalty any further.

FINDINGS AND CONCLUSIONS

- 18 (1) The Commission is an agency of the state of Washington, vested by statute with authority to regulate rates, rules, regulations, and practices of public service companies, including household goods carriers, and has jurisdiction over the parties and subject matter of this proceeding.
- 19 (2) Airus Movers LLC is a household goods carrier subject to Commission regulation.
- 20 (3) Airus Movers LLC's request for mitigation of the imposed suspended penalty amount of \$3,900 should be denied.
- 21 (4) Airus Movers LLC should pay the remaining penalty balance per the payment plan identified in paragraph 15.

¹⁰ Enforcement Policy ¶19.

ORDER

THE COMMISSION ORDERS:

- 22 (1) Airus Movers LLC's request for mitigation of the imposed suspended penalty in
the amount of \$3,900 is DENIED.
- 23 (2) The payment plan identified in paragraph 15 is APPROVED.
- 24 (3) If Airus Movers LLC fails to pay any installment in the payment plan by the due
date, the entire remaining balance will become immediately due and payable
without further Commission order.
- 25 The Secretary has been delegated authority to enter this order on behalf of the
Commissioners under WAC 480-07-904(1)(h).

DATED at Lacey, Washington, and effective July 25, 2025.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION



/s/ Jeff Killip
Executive Director and Secretary
By: /s/ Evan Gaffey
Operations Director
Executive Director's Designee

NOTICE TO PARTIES: This is an order delegated to the Executive Secretary for decision. As authorized in WAC 480-07-904(3), you must file any request for Commission review of this order no later than 14 days after the date the decision is posted on the Commission's website.