

EMPIRE MOVING AND STORAGE

15226 Dubuque Road
Snohomish WA 98290
Phone (425) 876-7106
empiremovingandstorage@yahoo.com

March 8, 2012

David W Danner
Executive Director and Secretary
Washington Utilities and Transportation Commission
1300 S Evergreen Park Drive SW
PO Box 47250
Olympia, WA 98504-7250
CC: Sharon Wallace
RE: TV-111686 , THG063511

Dear Commission,

We are respectfully requesting your reconsideration on the imposed suspended penalties against Richard Dengah, d/b/a Empire Moving and Storage, based on the fact that Empire Moving has made every effort to abide by the rules and regulations set forth by the commission. Please bear in mind the reason we had to re-apply was due to an error by our insurance company. When we originally applied in February of 2009, we supplied the necessary documentation. We changed insurance companies in May 2009, to Craven Insurance, who evidently failed to furnish your office with a Form E. It was not brought to our attention that the problem was this missing form, until we were at the UTC hearing on September 8, 2011; at which time we reluctantly paid the application fee again, in order to be in compliance. I have enclosed a brief timeline, and documentation supporting the fact that we indeed have made every attempt to rectify this problem.

In May of 2010, a customer brought it to our attention that she had been told by your office that we were not insured. Due to the fact we had been carrying a liability bond and cargo/auto policy, we told her it must be a mistake, and tried to call Sharon Wallace in your office. On June 1, 2010, I spoke with John Chapman, as Sharon was on vacation. He advised our temporary permit had been revoked. On June 4, 2010, I spoke with Sharon, who again said we were operating illegally due to the fact we did not have insurance. We immediately called our insurance agent, Karen Moehrle, who told us we indeed HAD coverage. (attached is copy of email sent to Karen Moehrle dated 6/7/10, requesting she send documentation to your office) To follow up, we phoned Sharon Wallace on June 8,9,10,11,14,and 15, leaving messages. At this time, we assumed the problem was resolved.

We received notice to appear before the commission on September 8, 2011, which we did. At this time we were told we had no choice but to reapply, even though we provided documentation of insurance coverage from 2008-the present. Upon reviewing the paperwork with Tina Leipski, she discovered the lack of Form E being on file. Again we requested to rectify the situation, but were told we had to pay the portion of the fines being imposed, along with a second application fee, which we paid as well. We again notified the insurance company. We continued to receive "notices of incomplete application", and continued to contact Craven Insurance. (please see email dated January 5th to Karen Moehrle requesting documents for your office) Also I have enclosed email sent to Tina Leipski, dated January 5th, including our DOT number. (A DOT number was not required at the time of our initial application) The email was in response to a letter from your office dated January 4th, stating "the Commission's records indicate Empire Moving & Storage has a pending application on file." This statement lead us to believe that our application was still in good standing with your office, and obviously waiting on the correct documentation. After several phone calls, we also contacted the owner of the insurance company, Bob Craven, on 2/21/12, enlisting his help, as the agent had not solved the problem. (attached is also a copy of that email dated 2/21/12)

2012 MAR -9 AM 8:05

COMMUNICATIONS SECTION

As you can see, Empire Moving has indeed made every effort to comply with the regulations of the Commission. It has been our intent since our initial application in 2009 to run a legitimate, honest moving company, in compliance with the rules and regulations set forth by the Utilities and Transportation Commission. The fines, penalties, and application fees have not only caused financial difficulties in these terrible economic times, they have tarnished a reputation we have worked very hard to earn.

Sincerely,
Rich Dengah
Empire Moving and Storage

A handwritten signature in black ink, appearing to read "Rich Dengah", written in a cursive style.

Subject: [No Subject]
From: Rich Dengah (empiremovingandstorage@yahoo.com)
To: kmoehrle@craveninsurance.com;
Date: Monday, June 7, 2010 5:03 PM

Hi, Karen!

We need another favor :0...could you please send our insurance information to the UTC...

We received a call from Sharon Wallace with the UTC, asking about insurance coverage. Could you please fax to (360) 664-4291..

I need to provide her proof of our bond, both currently, and the one good from may 09-may 10, and also the auto parameters. Basically, they are questioning whether or not we've had coverage, so everything you have from day one would be great!

Thank you, thank you, thank you!

Rich & Anna

425 876-7106

Subject: Empire Moving cert
From: Rich Dengah (empiremovingandstorage@yahoo.com)
To: kmoehrle@craveninsurance.com;
Date: Thursday, January 5, 2012 1:40 PM

Hi Karen

I have had a hard time reaching you by phone, we have some things that need to be fixed asap. We have been fined by the UTC due to the wording on our certificate, essentially in their eyes we have not had coverage because it was not filed correctly. They need a "Form E" in addition to the certificate, and due to the fact Rich is sole prop, it should read "Richard A Dengah" first, followed by dba Empire Moving. If you could please make that change, and file Form E asap would be great. Please forward that doc to myself and Tina Leipski at WUTC, at either tleipski@utc.wa.gov or fax # 360 586 1181. Also, any verification that you might provide them that we have carried this coverage for last several years would be appreciated. As I said, as far as they are concerned we've never had any coverage.

Also, we would like to reinstate the progressive policy, could you please let us know what that will require?

Thank you for your help!

Anna 425 750 2224

or Rich at 425 876 7106

Subject: Empire Moving application TV-111686
From: Rich Dengah (empiremovingandstorage@yahoo.com)
To: tleipski@utc.wa.gov;
Date: Thursday, January 5, 2012 2:28 PM

Hello Tina

I apologize for the delay in response, as we had our baby in November, and I was unable to work. When I met with you and resubmitted our application, you had pointed out the incorrect wording on our certificate of insurance, and lack of Form E being on file with your office. Those changes have been requested and you should be receiving documents from Craven Insurance. I also asked them to provide verification to your office that we have carried the coverage for several years, as we had discussed. Also, we have applied for USDOT number, it is 2260725. I will also forward hard copies of these documents to your office by mail.

Thank you

Anna

Empire Moving
425 750 2224



SERVICE DATE

JAN - 4 2012

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

January 4, 2012

RE: In the Matter of Determining the Proper Carrier Classification of, and Complaint for Penalties Against: DENGAH, RICHARD d/b/a/ EMPIRE MOVING & STORAGE, Docket TV-111387

TO ALL PARTIES:

On September 8, 2011, the Washington Utilities and Transportation Commission (Commission) issued Order 02, Stipulated Initial Order; Classifying Respondent as Household Goods Carrier; Imposing and Suspending Portion of Penalty on Condition of Future Compliance (Order 02). Order 02 imposed a fine of \$2,000 on Dengah, Richard d/b/a Empire Moving & Storage (Empire Moving & Storage) for two violations of RCW 81.80.070, all but \$200 of which was suspended conditioned on Empire Moving & Storage maintaining its household goods carrier permit and abiding by all applicable laws and rules governing household goods movers in the state of Washington. Order 02 states that "Empire Moving & Storage completed and filed a complete application for a household goods permit with the Commission on September 8, 2011."

On December 21, 2011, Commission Staff (Staff) filed a letter with the Commission stating that Empire Moving & Storage has failed to complete its household goods carrier permit application and thus is not in compliance with Order 02. Staff requests that the Commission impose the full penalty amount on Empire Moving & Storage.

Order 02 does not condition suspension of \$1,800 of the \$2,000 penalty assessed on Empire Moving & Storage filing or completing its application. To the contrary, Order 02 states that Empire Moving & Storage "completed and filed a complete application" for a household goods permit, and the Commission's records indicate that Empire Moving & Storage has a pending application on file. Staff's conflicting allegations, without supporting evidence, do not provide sufficient grounds for a finding that Empire Moving



U.S. Department of Transportation
Federal Motor Carrier
Safety Administration

MOTOR CARRIER IDENTIFICATION REPORT (Application for U.S. DOT NUMBER)

REASON FOR FILING

(Check Only One)

- NEW APPLICATION BIENNIAL UPDATE OR CHANGES OUT OF BUSINESS NOTIFICATION REAPPLICATION (AFTER REVOCATION OF NEW ENTRANT)

1. NAME OF MOTOR CARRIER RICHARD DENGAH				2. TRADE OR D.B.A. (DOING BUSINESS AS) NAME EMPIRE MOVING AND STORAGE			
3. PRINCIPAL STREET ADDRESS/ROUTE NUMBER 15226 DUBUQUE RD		4. CITY SNOHOMISH		5. MAILING ADDRESS (P O BOX) 15226 DUBUQUE RD		6. MAILING CITY SNOHOMISH	
7. STATE/PROVINCE WASHINGTON		8. ZIP CODE + 4 98290		9. COLONIA (MEXICO ONLY)		10. STATE/PROVINCE WASHINGTON	
11. ZIP CODE+4 98290		12. COLONIA (MEXICO ONLY)		13. PRINCIPAL BUSINESS PHONE NUMBER (425) 876-7106		14. PRINCIPAL CONTACT CELLULAR PHONE NUMBER (425) 876-7106	
15. PRINCIPAL BUSINESS FAX NUMBER		16. USDOT NO. 2260725		17. MC OR MX NO.		18. DUN & BRADSTREET NO.	
19. IRS/TAX ID NO. EIN# 800293978 SSN#		20. INTERNET E-MAIL ADDRESS EMPIREMOVINGANDSTORAGE@YAH		21. COMPANY OPERATION (Circle all that apply)		A. Interstate Carrier B. Intrastate Hazmat Carrier <input checked="" type="radio"/> Intrastate Non-Hazmat Carrier D. Interstate Shipper E. Intrastate Shipper F. Vehicle Registrant Only	

22. CARRIER MILEAGE (to nearest 10,000 miles for Last Calendar Year) _____ YEAR _____

23. OPERATION CLASSIFICATION (Circle All that Apply)

<input checked="" type="radio"/> A. Authorized For-Hire	D. Private Passengers (Business)	G. U. S. Mail	J. Local Government
B. Exempt For-Hire	E. Private Passengers (Non-Business)	H. Federal Government	K. Indian Tribe
C. Private Property	F. Migrant	I. State Government	L. Other

24. CARGO CLASSIFICATIONS (Circle All that Apply)

<input checked="" type="radio"/> A. GENERAL FREIGHT	F. LOGS, POLES, BEAMS, LUMBER	J. FRESH PRODUCE	P. GRAIN, FEED, HAY	V. COMMODITIES DRY BULK	BB. CONSTRUCTION
B. HOUSEHOLD GOODS	G. BUILDING MATERIALS	K. LIQUIDS/GASES	Q. COAL/COKE	W. REFRIGERATED FOOD	CC. WATER WELL
C. METAL, SHEETS; COILS; ROLLS	H. MOBILE HOMES	L. INTERMODAL CONT.	R. MEAT	X. BEVERAGES	DD. OTHER
D. MOTOR VEHICLES	I. MACHINERY, LARGE OBJECTS	M. PASSENGERS	S. GARBAGE, REFUSE, TRASH	Y. PAPER PRODUCTS	
E. DRIVE AWAY/TOWAWAY		N. OIL FIELD EQUIPMENT	T. U.S. MAIL	Z. UTILITY	
		O. LIVESTOCK	U. CHEMICALS	AA. FARM SUPPLIES	

25. HAZARDOUS MATERIALS CARRIED OR SHIPPED (Circle All that Apply) C-CARRIED S-SHIPPED B(BULK) - IN CARGO TANKS NB(NON-BULK) - IN PACKAGE

C S A. DIV 1.1	B NB	C S K. DIV 2.2A (Ammonia)	B NB	C S U. DIV 4.2	B NB	C S EE. HRCQ	B NB
C S B. DIV 1.2	B NB	C S L. DIV 2.3A	B NB	C S V. DIV 4.3	B NB	C S FF. CLASS 8	B NB
C S C. DIV 1.3	B NB	C S M. DIV 2.3B	B NB	C S W. DIV 5.1	B NB	C S GG. CLASS 8A	B NB
C S D. DIV 1.4	B NB	C S N. DIV 2.3C	B NB	C S X. DIV 5.2	B NB	C S HH. CLASS 8B	B NB
C S E. DIV 1.5	B NB	C S O. DIV 2.3D	B NB	C S Y. DIV 6.2	B NB	C S II. CLASS 9	B NB
C S F. DIV 1.6	B NB	C S P. Class 3	B NB	C S Z. DIV 6.1A	B NB	C S JJ. ELEVATED TEMP MAT.	B NB
C S G. DIV 2.1	B NB	C S Q. Class 3A	B NB	C S AA. DIV 6.1B	B NB	C S KK. INFECTIOUS WASTE	B NB
C S H. DIV 2.1 LPG	B NB	C S R. Class 3B	B NB	C S BB. DIV 6.1 Poison	B NB	C S LL. MARINE POLLUTANTS	B NB
C S I. DIV 2.1 (Methane)	B NB	C S S. COM LIQ	B NB	C S CC. DIV 6.1 SOLID	B NB	C S MM. HAZARDOUS SUB(RQ)	B NB
C S J. DIV 2.2	B NB	C S T. DIV 4.1	B NB	C S DD. CLASS 7	B NB	C S NN. HAZARDOUS WASTE	B NB
				C S	OO. ORM	C S	OO. ORM

26. NUMBER OF VEHICLES THAT CAN BE OPERATED IN THE U.S.

	Straight Trucks	Truck Tractors	Trailers	Hazmat Cargo Tank Trucks	Hazmat Cargo Tank Trailers	Motor Coach	School Bus			Mini-bus		Van		Limousine			
							Number of vehicles carrying number of passengers (including the driver) below										
							1-8	9-15	16+	16+	1-8	9-15	1-8	9-15	1-8	9-15	16+
OWNED	1																
TERM LEASED																	
TRIP LEASED																	

27. DRIVER INFORMATION

Within 100-Mile Radius	INTERSTATE	INTRASTATE	TOTAL DRIVERS	TOTAL CDL DRIVERS
Beyond 100-Mile Radius			1	

28. IS YOUR U.S. DOT NUMBER REGISTRATION CURRENTLY REVOKED BY THE FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION? Yes _____ No X

If Yes, enter your U.S. DOT Number. _____

29. PLEASE ENTER NAME(S) OF SOLE PROPRIETOR(S), OFFICERS OR PARTNERS AND TITLES (e.g. PRESIDENT, TREASURER, GENERAL PARTNER, LIMITED PARTNER)

1. **RICHARD DENGAH, OWNER** (Please print Name)

2. _____ (Please print Name)

30. CERTIFICATION STATEMENT (to be completed by an authorized official)

I, **RICHARD DENGAH** (Please print Name), certify that I am familiar with the Federal Motor Carrier Safety Regulations and/or Federal Hazardous Materials Regulations. Under penalties of perjury, I declare that the information entered on this report is, to the best of my knowledge and belief, true, correct, and complete.

Signature **RICHARD DENGAH** Date **01/05/2012** Title **OWNER** (Please print)

DRIVER/VEHICLE EXAMINATION REPORT

Aspen 2.13.1.2

Washington State Patrol
Commercial Vehicle Enforcement Section
P.O. Box 42614
Olympia, WA 98504-2614
Phone: (360)596-3819 Fax: (360)596-3828

Report Number: WAC390000042
Inspection Date: 03/21/2011
Start: 4:09:17 PM PT End: 4:20:50 PM PT
Inspection Level: I - Full
HM Inspection Type: None

EMPIRE MOVING
271 HARRISON ROAD
SELAH, WA 98942
USDOT#:
MC/MX#:
State#:
Phone#: (425)876-7106
Fax#:

Driver: DENGAR, RICHARD A
License#: DENGARA293N5 State: WA
Date of Birth: 08/25/1971
CoDriver:
License#:
Date of Birth:
State:

Location: 8500 BLK 131 AVE SE
Highway:
County: SNOHOMISH, WA

MilePost:
Origin: LOCAL
Destination: LOCAL

Shipper:
Bill of Lading:
Cargo: EMPTY

VEHICLE IDENTIFICATION

Table with columns: Unit, Type, Make, Year, State, Plate #, Equipment ID, VIN, GVWR, CVSA #, CVSA Issued #, OOS Sticker. Row 1: 1, TR, GMC, 1995, WA, B91135H, 1GDG6H1JXSJ508780, 24,000

BRAKE ADJUSTMENTS

Table with columns: Axle #, Right, Left, Chamber. Rows for Axle 1 and 2.

VIOLATIONS

Table with columns: Section, Type, Unit, OOS, Citation #, Verify, Crash, Violations Discovered. Rows for 393.201(b) and 390.21(a).

HazMat: No HM Transported.

Placard: No Cargo Tank:

Special Checks: No Data for Special Checks.

THE UNDERSIGNED CERTIFIES THAT ALL VIOLATIONS NOTED ON THIS REPORT HAVE BEEN CORRECTED AND ACTION HAS BEEN TAKEN TO ASSURE COMPLIANCE WITH ALL APPLICABLE FEDERAL AND STATE REGULATIONS. SIGN AND RETURN THIS ENTIRE REPORT WITHIN FIFTEEN (15) DAYS TO ABOVE ADDRESS.

Signature Of Motor Carrier X: Title: Date:

Report Prepared By: S BERG

Badge #: SC1524

Copy Received By: RICHARD DENGAR

Page 1 of 1



WA WAC390000042

Signature of S. Berg

Signature of Richard Dengar

Subject: Fw: Empire Moving cert
From: Rich Dengah (empiremovingandstorage@yahoo.com)
To: bcraven@craveninsurance.com;
Date: Tuesday, February 21, 2012 2:47 PM

----- Forwarded Message -----

From: Rich Dengah <empiremovingandstorage@yahoo.com>
To: "kmoehrle@craveninsurance.com" <kmoehrle@craveninsurance.com>
Sent: Thursday, January 5, 2012 1:40 PM
Subject: Empire Moving cert

Hi Karen

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Anna 425 750 2224
or Rich at 425 876 7106