

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

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

DAVID THEODORE KUNTZ,  
D/B/A DK DUMPERS

DOCKET TG-190969

DECLARATION OF  
KATHRYN MCPHERSON

Kathryn McPherson, under penalty of perjury under the laws of the State of Washington, declares as follows:

1. I am employed by the Washington Utilities and Transportation Commission (Commission) as an investigator in the Solid Waste Enforcement program within the Transportation Safety Division. As an investigator, my responsibilities include conducting investigations regarding the business practices of regulated transportation companies. As part of those duties, I investigate transportation companies that may be operating without the required Commission-issued certificate.
2. On September 30, 2019, I found information that David Theodore Kuntz, d/b/a DK Dumpers, (DK Dumpers or Company) advertised on Facebook as a solid waste carrier.<sup>1</sup>
3. On September 30, 2019, I searched Washington State Department of Revenue's (DOR) records and found that DK Dumpers has an active business registration under the name David Theodore Kuntz, d/b/a DK Dumpers.<sup>2</sup> DOR shows a business address for DK Dumpers of 7520 128th St. E, Puyallup, WA 98373.
4. On September 30, 2019, I reviewed Commission records to determine if DK Dumpers had authority to operate as a solid waste carrier in the state of Washington. I found that the Commission has no record of the Company.
5. On October 3, 2019, I sent a letter to DK Dumpers at 7520 128th St. E, Puyallup, WA 98373, stating that I believed the business was violating Commission rules by operating as a solid waste carrier without the required certificate.<sup>3</sup> The Company was required to respond by October 15, 2019, by either submitting a completed application for a solid waste transportation certificate, or by explaining in writing why the business does not require a solid waste certificate.

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<sup>1</sup> See Attachment A for copies of online advertising from Facebook.

<sup>2</sup> See Attachment B for copy of Washington State Department of Revenue Online search.

<sup>3</sup> See Attachment C for a copy of the compliance letter dated October 3, 2019, sent to DK Dumpers.

6. On October 9, 2019, I spoke with David Kuntz by phone to discuss the non-permitted carrier letter sent October 3, 2019.<sup>4</sup> I explained to David Kuntz that the Company could not operate drop-off service for solid waste without a certificate. David Kuntz told me he would follow the standard of “junk haulers” and load debris for the customer. David Kuntz further stated he would remove all advertising for dump runs.
7. On November 14, 2019, I researched current advertising for DK Dumpers. I discovered the Company continued to advertise on Facebook Marketplace.<sup>5</sup>
8. On November 14, 2019, using an assumed name, I entered into an agreement via Facebook Messenger with DK Dumpers to transport eight bags of solid waste for compensation.<sup>6</sup>

DATED this 5<sup>th</sup> day of December, 2019, at Lacey, Washington.

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Kathryn McPherson

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<sup>4</sup> See Attachment D Staff notes from October 9, 2019 phone call.

<sup>5</sup> See Attachment E Advertisement on Facebook Marketplace.

<sup>6</sup> See Attachment F Offer to transport solid waste.

Attachment A






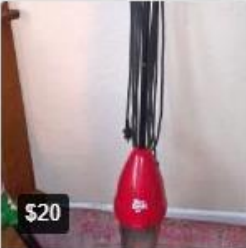


Dk Fam Hauler

- Follow
- Message
- Report
- View Profile

Seller Information

Joined Facebook in 2018

Marketplace Listings · 20+


- |   |  |  |
|---|--|--|
|  <p style="margin-top: 10px;">Dymp runs and moving<br/>over a week ago</p>    |  <p style="margin-top: 10px;">Dump runs and moving<br/>over a week ago</p> |  <p style="margin-top: 10px;">Dump runs moving<br/>over a week ago</p>      |
|  <p style="margin-top: 10px;">Dirt Devil power stick<br/>over a week ago</p> |  <p style="margin-top: 10px;">Dump runs<br/>over a week ago</p>           |  <p style="margin-top: 10px;">Dump runs and moving<br/>over a week ago</p> |

Marketplace › Appliances

Dymp runs and moving  
Puyallup, WA · over a week ago · 🌐


**\$1**

This is David with DK dumpers I do junk removal and I do moving I am affordable I give free estimates mesreliable andsage me for your free estimate today Less




Map showing location in Puyallup, WA


**Seller Information**

 **Dk Fam Hauler**  
Joined Facebook in 2018




**Sponsored**



Send seller a message

 Is this available?

**Send**

 Message  Save  Share

### Attachment B

eServices

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#### Washington State Department of Revenue

[Services](#) [Business Lookup](#) [DK DUMPERS](#)

**License Information:**

[New search](#) [Back to results](#)

**Entity name:** KUNTZ, DAVID THEODORE

**Business name:** DK DUMPERS

**Entity type:** [Sole Proprietor](#)

**UBI #:** 604-429-549

**Business ID:** 001

**Location ID:** 0001

**Location:** Active

**Location address:** 7520 128TH ST E  
PUYALLUP WA 98373-5381

**Mailing address:** 7520 128TH ST E  
PUYALLUP WA 98373-5381

**Excise tax and reseller permit status:** [Click here](#)

**Governing People** May include governing people not registered with Secretary of State

Governing people	Title
KUNTZ, DAVID THEODORE	

**Registered Trade Names**

Registered trade names	Status	First issued
DK DUMPERS	Active	Mar-26-2019

The Business Lookup information is updated nightly. Search date and time: 9/30/2019 3:27:14 PM

*Working together to fund Washington's future*

## Attachment C



STATE OF WASHINGTON

## UTILITIES AND TRANSPORTATION COMMISSION

621 Woodland Square Loop S.E. • Lacey, Washington 98503

P.O. Box 47250 • Olympia, Washington 98504-7250

(360) 664-1160 • TTY (360) 586-8203

October 3, 2019

David Theodore Kuntz  
d/b/a DK Dumpers  
7520 128<sup>th</sup> Street E  
Puyallup, WA 98373

Dear Mr. Kuntz:

The Washington Utilities and Transportation Commission (commission) believes you are engaged in services that require a permit from the commission. The purpose of this letter is to provide technical assistance to you with respect to Washington's household goods moving and solid waste transportation laws.

Operating as a household goods carrier without the commission-issued permit is illegal and subject to a penalty of \$5,000 per violation.<sup>1</sup> Under the law, advertising of moving services is evidence of operating as a household goods carrier. Until your company obtains a household goods carrier permit, it must immediately cease and desist from operating or advertising as a household goods carrier in Washington state.

Operating or advertising as a solid waste company without the required permit is also illegal and subject to a penalty of \$1,000 per violation.<sup>2</sup> Under the law, advertising of solid waste collection services is evidence of operating as a solid waste company. Solid waste collection includes residential and commercial garbage, residential recycling, yard waste, and drop box service. Until you obtain a solid waste permit, you must immediately cease and desist from operating or advertising as a solid waste company in Washington State.

To avoid enforcement action by the commission, by October 15, 2019, you must either:

- a) Submit completed applications (enclosed) for household goods moving and solid waste carrier permits, along with the required fees, proof of insurance, and supporting documents,

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<sup>1</sup> RCW 81.80.075

<sup>2</sup> RCW 81.04.380

October 3, 2019  
David Theodore Kuntz  
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or,

- b) Explain in writing why you believe your operations do not require such permits from the commission. Please explain your operations in detail, in writing.

Please direct your written response, to [Kathryn.McPherson@utc.wa.gov](mailto:Kathryn.McPherson@utc.wa.gov) or by US Mail to PO Box 47250, Olympia, WA 98504. You may also reach Ms. McPherson at (360) 664-1108.

Sincerely,

*/s/ Mathew Perkinson*  
MATHEW PERKINSON  
Assistant Director, Transportation Safety

Enclosures (4)

### Attachment D

Motor Carrier Activities - Telephone call from Mr. Kuntz

Page 1 of 2

SharePoint      Newsfeed   OneDrive   Sites   McPherson, Kathryn (UTC) ▾   ⚙   ?

Activity Date      10/9/2019 1:32 PM

Title      Telephone call from Mr. Kuntz

Activity Status      Complete

Activity Due Date

Activity Type      [Phone call](#)

Activity Mode      [Phone Call](#)

Activity Contact Name      Mr. David Kuntz

Activity Contact Email

Activity Contact Phone

Activity Contact Address

Activity Contact Location

Desc      Mr. Kuntz called regarding the compliance letter sent to him. He states he primarily focuses on junk removal. We discussed ads he had on Facebook Marketplace. He stated his cousin put those ads up for him. He was unaware he could not just transport garbage. After discussion of solid waste hauling versus junk removal and incidental hauling, Mr. Kuntz says he understands the rule. He will discontinue advertising for dump runs. He will have his cousin help him remove the ads. We discussed household goods moving permits. I informed Mr. Kuntz that as his ad reads, he is offering services that require a permit. I stated he could apply for a permit for household goods, and reminded him an application was enclosed. He said he did not think he needed a permit. He had not had any offers on those ads. I explained even advertising can bring a penalty of up to \$5,000. Mr. Kuntz said he would remove those ads as well. I let Mr. Kuntz know I would follow up with him in two weeks to determine if he had been able to remove the ads.

UTC Staff Members       McPherson, Kathryn (UTC)

InvestigationItemSPID      873

Activity Document Count      0

Is Reportable      No

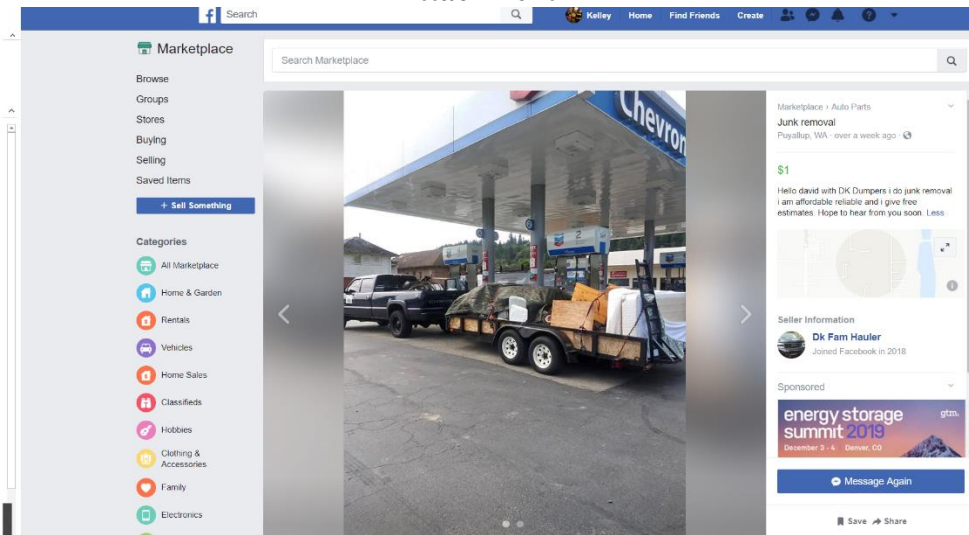
Investigation ID

Content Type: MotorCarrierInvestigationActivity  
 Created at 10/9/2019 1:44 PM by  McPherson, Kathryn (UTC)  
 Last modified at 10/9/2019 1:44 PM by  McPherson, Kathryn (UTC)

Close



### Attachment E



### Attachment F

