



STATE OF WASHINGTON  
UTILITIES AND TRANSPORTATION  
COMMISSION

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August 29, 2023

Kathy Hunter, Acting Executive Director and Secretary  
Washington Utilities and Transportation Commission  
P.O. Box 47250  
Olympia, WA 98504-7250

RE: *Washington Utilities and Transportation Commission v. Max Kastl d/b/a Kastl Express LLC*  
Commission Staff's Response to Application for Mitigation of Penalties  
Docket TV-230180

Dear Kathy Hunter:

On May 23, 2023, the Washington Utilities and Transportation Commission (Commission) issued a penalty assessment against Max Kastl d/b/a Kastl Express LLC (Kastl Express or Company) in the amount of \$10,600 for violations of Washington Administrative Code (WAC) 480-15-630 and Tariff 15-C, Item 85; WAC 480-15-620 and Tariff 15-C, Item 85(3)(e); and WAC 480-15-710 and Tariff 15-C, Item 95 as follows:

- **\$4,300 for 43 Violations of WAC 480-15-630 and Tariff 15-C, Item 85** – Failure to provide completed estimates to customers.
- **\$4,300 for 43 Violations of WAC 480-15-620 and Tariff 15-C, Item 85 (3)(e)** – Failure to provide customers with a copy of the commission publication *Consumer Guide to Moving in Washington State*.
- **\$2,000 for 20 Violations of WAC 480-15-710 and Tariff 15, Item 95** – Failure to provide bills of lading to customers.

On August 10, 2023, Kastl Express filed with the Commission its application for mitigation of penalties. In the request for mitigation, Max Kastl, owner of Kastl Express, admits the violations, asks that the penalties be reduced, requests a hearing to present evidence before an administrative law judge, but fails to include reasons supporting its application for mitigation.

Companies are required to submit a request for mitigation within 15 days of receiving a penalty assessment and are directed to provide reasons to support the request, otherwise the Commission can deny the request. In this case, Kastl Express failed to file a response to the docket within the allotted time and failed to include reasons supporting its application for mitigation.

- Staff recommends no mitigation for the 43 violations of WAC 480-15-630 and Tariff 15-C, Item 85 – Failure to provide completed estimates to customers.
- Staff recommends no mitigation for the 43 violations of WAC 480-15-620 and Tariff 15-C, Item 85 (3)(c) – Failure to provide customers with a copy of the commission publication *Consumer Guide to Moving in Washington State*.
- Staff recommends no mitigation for the 20 violations of WAC 480-15-710 and Tariff 15, Item 95 (1) – Failure to provide bills of lading to customers.

In response to Kastl Express's request for a hearing, Staff recommends that the Commission deny the request. The Company does not contest that the violations occurred, Kastl Express failed to provide reasons supporting its request for a hearing, and Staff believes there is sufficient documentation in the docket for an administrative law judge to decide without further expense and delay.

Staff believes that suspending a portion of the penalty will create an incentive to comply with Household Goods rules and Tariff 15-C and deter the company from incurring repeat violations. Staff recommends that \$5,300 of the \$10,600 penalty be suspended for a period of two years, and waived thereafter, subject to the conditions that: 1) Kastl Express does not incur any repeat violations of WAC 480-15-620, WAC 480-15-630, WAC 480-15-710 (3), and Tariff 15-C, Item 85 and Item 95, and 2) Kastl Express pays the \$5,300 portion of the penalty that is not suspended.

If you have any questions, please contact Sharmila Prabakaran, Compliance Investigator, at (360)-664-1129 or by email at [sharmila.prabakaran@utc.wa.gov](mailto:sharmila.prabakaran@utc.wa.gov).

Sincerely,

Bridgit Feeser, Assistant Director  
Consumer Protection