

[Service Date March 20, 2015]

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In re Application of)	DOCKET TV-150223
)	
FIVE STARS MOVING & STORAGE, LLC)	NOTICE OF INTENT TO DENY
)	APPLICATION FOR PERMANENT
)	AUTHORITY;
for a permit to operate as a motor carrier of household goods.)	NOTICE OF OPPORTUNITY FOR
)	HEARING
.....)	

BACKGROUND

- 1 On February 10, 2015, Five Stars Moving & Storage, LLC (Five Stars Moving or Applicant) filed with the Washington Utilities and Transportation Commission (Commission) an application for authority to operate as a household goods carrier in the state of Washington (Application). William Trick, the company's owner, signed the application.
- 2 RCW 81.80.075(3) requires the Commission to consider whether an applicant for a household goods carrier permit is fit to perform the services proposed and conform to the requirements, rules, and regulations of the Commission, and whether the operations are consistent with the public interest.
- 3 The Commission will grant or deny an application for permanent authority after it conducts a complete review of the application, including supporting statements, reports, or other information necessary to determine fitness. Commission rules provide that the Commission may reject or deny an application for permanent authority if the Commission believes the applicant is unfit, or if issuing the permit is not in the public interest.
- 4 The Commission will not grant permanent authority if an Applicant or any of its employees has been convicted of any crime involving theft, burglary, assault, sexual misconduct, identity theft, fraud, false statements, or the manufacture, sale or distribution of a controlled substance more than five years prior to the date of the

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application if the Commission determines that the nature or extent of the crime(s) will likely interfere with the proper operation of a household goods moving company.¹

5 If it is necessary to resolve outstanding issues or concerns related to fitness or the public interest, or any other issue resulting from a complaint or public comment, the Commission may hold a hearing or brief adjudicative proceeding on any application for permanent authority.²

6 Commission Staff (Staff) has reviewed the Application, and recommends that the Commission deny the Application for reasons set out below.

FACTUAL ALLEGATIONS

7 The owner of Five Stars Moving, William Anthony Trick, has a criminal conviction for child molestation in the first degree. Mr. Trick was incarcerated for his conviction from November 27, 1999, until May 21, 2004. Comments on the King County Sex Offender Watch website describe Mr. Trick's criminal activity as follows: "William Trick sexually assaulted two 7-year-old females. Trick was acquainted with the victim's mother through their employment. Trick had a history of volunteering at daycares and children overseas services. He had also served as a soccer and wrestling coach." The website indicates that Mr. Trick is a Level II registered sex-offender.

8 Staff is familiar with Mr. Trick through his involvement in a prior Commission proceeding related to another household goods carrier permit application in Docket TV-130259. During a hearing on the application in that docket, Mr. Trick testified about his criminal history and his status as a registered Level II sex offender.

9 Staff recommends the Commission deny the Application because the nature of Mr. Trick's prior conviction is likely to interfere with the proper operation of a household goods moving company.

DISCUSSION

10 We agree with Staff's recommendation and deny the Application. WAC 480-15-302(8)(b) provides a basis for denying an application if a person named in the application has been convicted of any crime involving sexual misconduct more than

¹ WAC 480-15-305.

² WAC 480-15-350.

five years prior to the date of the application if the Commission determines that the nature of the crime will likely interfere with the proper operation of a household goods moving company. Level II sex offenders are considered to be at moderate risk of reoffending, and household goods carriers enter people's homes, where children may be present and unsupervised. In light of these factors – in addition to the nature of Mr. Trick's crime, as described on the Sex Offender Watch website – we conclude that granting the application would pose an unreasonable risk to the unsuspecting public.

- 11 Staff's findings support the conclusion that issuing the permit is not in the public interest, and the application should be denied.

NOTICE

- 12 The Commission hereby provides notice of its intention to deny Five Stars Moving's Application for permanent authority for failure to meet the application requirements in RCW 81.80 and WAC 480-15.

- 13 **NOTICE OF OPPORTUNITY FOR HEARING.** Five Stars Moving may request a hearing to contest the factual allegations set out in this notice. Five Stars Moving may request such a hearing by filing a written request for a hearing with the Commission by **April 3, 2015**. An original and five (5) paper copies of the request must be directed to the attention of Steven V. King, Acting Executive Director and Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, Olympia, WA 98504-7250, and must reference Docket TV-150223.

- 14 If Five Stars Moving requests a hearing by **April 3, 2015**, the Commission will schedule a brief adjudicative proceeding under RCW 34.05.482 and WAC 480-07-610. If Five Stars Moving does not request a hearing by that date, the Commission will enter an order rejecting the application for permanent authority.

DATED at Olympia, Washington, and effective March 20, 2015.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

STEVEN V. KING
Executive Director and Secretary