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BEFORE THE
DEPARTMENT OF CONSUMER AFFAIRS
FOR THE BUREAU OF HOUSEHOLD GOODS AND SERVICES
STATE OF CALIFORNIA

In the Matter of the Accusation Against:	Case No. HHM 2023-127
SAFE AND FAST MOVERS INC.	**STATEMENT TO RESPONDENTS**
Respondents.	[Gov. Code, §§ 11504, 11505(b)]

TO RESPONDENTS:

Enclosed is a copy of the Accusation that has been filed with the Director of Consumer Affairs, Bureau of Household Goods and Services (Bureau), and which is hereby served on you.

Unless a written request for a hearing signed by you or on your behalf is delivered or mailed to the Bureau, represented by Deputy Attorney General Agustin Lopez, within fifteen (15) days after a copy of the Accusation was personally served on you or mailed to you, you will be deemed to have waived your right to a hearing in this matter and the Bureau may proceed upon the Accusation without a hearing and may take action thereon as provided by law.

The request for hearing may be made by delivering or mailing one of the enclosed forms entitled "Notice of Defense," or by delivering or mailing a Notice of Defense as provided in section 11506 of the Government Code, to

Agustin Lopez
Deputy Attorney General
600 West Broadway, Suite 1800
San Diego, California 92101

P.O. Box 85266
San Diego, California 92186-5266

You may, but need not, be represented by counsel at any or all stages of these proceedings.

The enclosed Notice of Defense, if signed and filed with the Bureau, shall be deemed a specific denial of all parts of the Accusation, but you will not be permitted to raise any objection to the form of the Accusation unless you file a further Notice of Defense as provided in section 11506 of the Government Code within fifteen (15) days after service of the Accusation on you.

If you file any Notice of Defense within the time permitted, a hearing will be held on the charges made in the Accusation.

The hearing may be postponed for good cause. If you have good cause, you are obliged to notify the Office of Administrative Hearings, 402 W. Broadway, Suite 600, San Diego, CA 92101, within ten (10) working days after you discover the good cause. Failure to notify the Office of Administrative Hearings within ten (10) days will deprive you of a postponement.

Copies of sections 11507.5, 11507.6, and 11507.7 of the Government Code are enclosed.

If you desire the names and addresses of witnesses or an opportunity to inspect and copy the items mentioned in section 11507.6 of the Government Code in the possession, custody or control of the Bureau you may send a Request for Discovery to the above designated Deputy Attorney General.

NOTICE REGARDING STIPULATED SETTLEMENTS

It may be possible to avoid the time, expense and uncertainties involved in an administrative hearing by disposing of this matter through a stipulated settlement. A stipulated settlement is a binding written agreement between you and the government regarding the matters charged and the discipline to be imposed. Such a stipulation would have to be approved by the Director of Consumer Affairs, Bureau of Household Goods and Services but, once approved, it would be incorporated into a final order.

Any stipulation must be consistent with the Bureau's established disciplinary guidelines; however, all matters in mitigation or aggravation will be considered. A copy of the Bureau's Disciplinary Guidelines will be provided to you on your written request to the state agency bringing this action.

If you are interested in pursuing this alternative to a formal administrative hearing, or if you have any questions, you or your attorney should contact Deputy Attorney General Agustin Lopez at the earliest opportunity.

Dated: March 8, 2024

ROB BONTA
Attorney General of California
ERIN M. SUNSERI
Supervising Deputy Attorney General

AGUSTIN LOPEZ
Deputy Attorney General
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BEFORE THE
DEPARTMENT OF CONSUMER AFFAIRS
FOR THE BUREAU OF HOUSEHOLD GOODS AND SERVICES
STATE OF CALIFORNIA

In the Matter of the Accusation Against: **ANDREY VOKHMYAKOV, SOLE PROPRIETOR, dba SAFE N FAST MOVERS** **353 West Ontario Avenue** **Corona, CA 92882** **Household Goods Carrier Permit No. CAL-T0191271** **SAFE AND FAST MOVERS, INC; VLADISLAV VOKHMYAKOV, UNREGISTERED PARTNER/OFFICER** **353 West Ontario Avenue** **Corona, CA 92882** **Unlicensed Corporation;** **ANDREY VOKHMYAKOV/SAFE AND FAST MOVERS, INC., UNREGISTERED GENERAL PARTNER** **353 West Ontario Avenue** **Corona, CA 92882** **Unlicensed General Partnership,** **Respondents**.	Case No. HHM 2023-127 **ACCUSATION**

PARTIES

1. Justin Paddock (Complainant) brings this Accusation solely in his official capacity as the Bureau Chief of the Bureau of Household Goods and Services (Bureau), Department of Consumer Affairs.

2. On January 20, 2015, the Public Utilities Commission (PUC) issued Household Goods Carrier Permit No. CAL-T0191271 to Andrey Vokhmyakov (Respondent AV), as a sole proprietor, doing business as Safe N Fast Movers. The Bureau suspended, revoked, and reinstated Respondent AV's permit as follows:

Date	**Permit Action**
March 26, 2018	Suspended for failure to provide liability insurance.
June 22, 2018	Revoked for failure to provide liability insurance.
August 8, 2018	Reinstated from revocation.
March 19, 2020	Suspended for failure to provide cargo insurance.
October 13, 2020	Reinstated from suspension.
May 21, 2021	Suspended for failure to provide Workers' Compensation Insurance.
May 26, 2021	Reinstated from suspension.
October 7, 2021	Suspended for failure to provide liability insurance.
October 26, 2021	Reinstated from suspension.
April 27, 2022	Suspended for failure to provide cargo insurance.
May 9, 2023	Reinstated from suspension.

3. Respondent Vladislav Vokhmyakov (Respondent VV) is an unregistered and unlicensed officer, partner, agent, or associate of Respondent AV.

4. Respondent Safe and Fast Movers, Inc. (Respondent SAFM), was an unlicensed California corporation, and an unregistered partner, agent, or associate of Respondent AV.

5. Respondent AV-SAFM, was an unlicensed general partnership between Respondent AV and Respondent SAFM.

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JURISDICTION

6. Complainant brings this Accusation before the Director of the Department of Consumer Affairs (Director) for the Bureau, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

Authority of the Bureau.

7. Section 118, subdivision (b), provides that the suspension, expiration, surrender, or cancellation of a license shall not deprive the Bureau of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

8. Section 9810 states as follows:

> (a)(1) There is in the Department of Consumer Affairs a Bureau of Household Goods and Services, under the supervision and control of the director. The director shall administer and enforce the provisions of this chapter and Chapter 3 (commencing with Section 19000) and Chapter 3.1 (commencing with Section 19225) of Division 8.
>
> (2) There is a Division of Household Movers within the bureau for purposes of administering [the Household Movers Act (Bus. & Prof. Code § 19225 *et seq.*)]. The Division of Household Movers shall be overseen by the chief of the bureau.
>
> . . .
>
> (c) Every power granted to or duty imposed upon the director under [the Household Movers Act] may be exercised or performed in the name of the director by a deputy or assistant director or by the chief, subject to conditions and limitations that the director may prescribe.
>
> (d) Whenever the laws of this state refer to the Bureau of Electronic Repair Dealer Registration or the Bureau of Electronic and Appliance Repair, the reference shall be construed to be to the Bureau of Household Goods and Services.

9. Section 19228 establishes the transfer of authority from the Public Utilities Commission to the Bureau as follows:

> (a) Notwithstanding any other law, and until the time the director adopts regulations implementing this chapter, powers granted to, or duties imposed on,

the Public Utilities Commission pursuant to the former Chapter 7 (commencing with Section 5101) of Division 2 of the Public Utilities Code [former Household Goods Carriers Act] are transferred to, and may be exercised by, the director in administering this chapter.

…

(c) Until the operative date of regulations implementing this chapter, household movers shall observe the rules, regulations, general orders, and Maximum Rate Tariff 4, as most recently amended as of July 1, 2018, by the Public Utilities Commission, that are administered and enforced by the director pursuant to this chapter. A violation of those rules, regulations, general orders, or tariff may be grounds for discipline.

10. Section 19294 transferred authority from the PUC to the Bureau effective July 1, 2018.

11. Section 19234.1 provides that protection of the public shall be the highest priority of the Bureau in exercising its licensing, regulatory, and disciplinary functions under the Household Movers Act (Bus. & Prof. Code § 19225 *et seq.*).

STATUTORY PROVISIONS

12. Section 23.8 defines "licensee" as any person authorized by a license, certificate, registration, or other means to engage in a business or profession regulated by this code.

13. Section 119, subdivision (e), provides that any person who knowingly permits any unlawful use of a permit issued to the person is guilty of a misdemeanor.

14. Section 19225.5 defines the following terms as follows:

. . .

(d) "Corporation" includes a corporation, a company, an association, and a joint stock association.

. . .

(h) "Household mover" includes every corporation or person, their lessees, trustee, receivers, or trustees appointed by any court whatsoever, engaged in the permitted or unpermitted transportation for compensation or hire as a business by means of a motor vehicle or motor vehicles being used in the transportation of used household goods and personal effects over any public highway in this state. A broker, as defined in subdivision (a), shall be considered a household mover. The Legislature intends "household mover" to have the same meaning as

> “household goods carrier” in former Section 5109 of the Public Utilities Code, as that section read on June 30, 2018.[1]
>
> (l) “Person” includes an individual, a firm, or a copartnership.

15. Section 19226 provides that any provision of the Public Utilities Code that conflicts with the Household Movers Act does not apply to a household mover.

16. Section 19229.1 states:

> (a) The use of the public highways for the transportation of used household goods and personal effects for compensation is a business affected with a public interest. It is the purpose of this chapter to do all of the following:
>
> . . .
>
> (2) Secure to the people just, reasonable, and nondiscriminatory rates for transportation by household movers operating upon the highways.
>
> . . .
>
> (4) Promote fair dealing and ethical conduct in the rendition of services involving or incident to the transportation of household goods and personal effects.
>
> (b) To achieve the purposes of subdivision (a), the bureau shall do all of the following:
>
> . . .
>
> (6) Implement a process for appropriate and timely enforcement against illegally operating household movers, including performing staff-driven investigations and enforcement through sting operations and other forms of presence in the field.

17. Section 19237 states:

> (a) A household mover shall not engage, or attempt to engage, in the business of the transportation of used household goods and personal effects by motor vehicle over any public highway in this state, including by any means or media, advertising, soliciting, offering, arranging as a broker, or entering into an agreement regarding the transportation of used household goods and personal effects, unless both of the following are satisfied:

[1] Former Public Utilities Code section 5109 states, “Household goods carrier” includes every corporation or person, their lessees, trustee, receivers, or trustees appointed by any court whatsoever, engaged in the permitted or unpermitted transportation for compensation or hire as a business by means of a motor vehicle or motor vehicles being used in the transportation of used household goods and personal effects over any public highway in this state. A broker, as defined in Section 5110.7, shall be considered a household goods carrier.”

(1) For transportation of household goods and personal effects entirely within this state, there is in force a permit issued by the bureau authorizing those operations. Permits issued by the Public Utilities Commission pursuant to the former Chapter 7 (commencing with Section 5101) of Division 2 of the Public Utilities Code, that are valid and effective on the operative date of this chapter, shall remain in effect, subject to the provisions of this chapter, for a period of not more than two years after the operative date of this chapter, or until the time the bureau issues, reissues, renews, suspends, revokes, or otherwise alters or amends the permit, whichever occurs earlier.

(2) For transportation of household goods and personal effects from this state to another state. . . .

(b) A household mover that engages, or attempts to engage, in the business of the transportation of used household goods and personal effects in violation of subdivision (a) shall not enforce any security interest or bring or maintain any action in law or equity to recover any money or property or obtain any other relief from any consignor, consignee, or owner of household goods or personal effects in connection with an agreement to transport, or the transportation of, household goods and personal effects or any related services. A person who utilizes the services of a household mover operating in violation of subdivision (a) may bring an action in any court of competent jurisdiction in this state to recover all compensation paid to that household mover.

18. Section 19247 states, "Every household mover shall add a prominent link to its Internet Web site that immediately directs all consumers to the bureau's Internet Web site."

19. Section 19275 states:

. . .

(b) The bureau may amend or revoke, in whole or in part, the permit of any household mover, upon application of the permitholder, or may suspend, change, or revoke, in whole or in part, a permit, upon complaint or on the bureau's own initiative, after notice and an opportunity to be heard, for providing false or misleading information on an application for a permit or for failure to comply with this chapter or with any order, rule, regulation, or tariff administered by the bureau, or with any term, condition, or limitation of the permit.

. . .

(d) The bureau may cancel, suspend, or revoke the permit of any household mover upon the conviction of the household mover of any misdemeanor under this chapter while holding operating authority issued by the bureau, or the conviction of the household mover or any of its officers of a felony while holding operating authority issued by the bureau, limited to robbery, burglary, any form of theft, any form of fraud, extortion, embezzlement, money laundering, forgery, false statements, an attempt to commit any of the offenses described in this subdivision, aiding and abetting or conspiring to commit any of the offenses described in this subdivision, or intentional dishonesty for personal gain.

20. Section 19277 states:

> (a) Every household mover and every officer, director, agent, or employee of any household mover who violates or who fails to comply with, or who procures, aids, or abets any violation by any household mover of any provision of this chapter or any rule or regulation administered by the bureau pursuant to this chapter, or of any operating permit issued to any household mover, or who procures, aids, or abets any household mover in its failure to obey, observe, or comply with any such rule, regulation, or operating permit, is guilty of a misdemeanor, and is punishable by a fine of not more than two thousand five hundred dollars ($2,500) or by imprisonment in the county jail for not more than three months, or both. If a violation is willful, each willful violation is punishable by a fine of not more than ten thousand dollars ($10,000) or by imprisonment in the county jail for not more than one year, or both. If the violation involves operating or holding oneself out as a household mover without a permit, the fine shall be not less than one thousand dollars ($1,000).
>
> (b) Any person who violates subdivision (a) of Section 19237, is guilty of a misdemeanor, and is punishable by a fine of not more than ten thousand dollars ($10,000), by imprisonment in the county jail for not more than one year, or both, for each violation.

21. Section 19279 provides that every household mover, every officer, director, agent, or employee of any household mover; who violates or who fails to comply with, or who procures, aids, or abets, any violation by any household mover of any provision of the Household Mover Act; is subject to a citation and fine of not more than five hundred dollars for each offense. This section does not prohibit the Bureau from seeking to deny, suspend, revoke, or place on probation an operating permit, in lieu of issuing a citation and fine.

22. Section 19279.3 states:

> Every corporation or person who knowingly and willfully issues, publishes, or affixes, or causes or permits the issuance, publishing, or affixing, of any oral or written advertisement, broadcast, or other holding out to the public, or any portion thereof, that the corporation or person is in operation as a household mover without having a valid permit issued under this chapter is guilty of a misdemeanor punishable by a fine of not more than two thousand five hundred dollars ($2,500).

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FICTITIOUS BUSINESS NAME AUTHORITY

23. Section 17900 provides the purpose of the statutes governing the use of fictitious business names by sole proprietorships as follows:

> (a)(1) The purpose of this section is to protect those dealing with individuals or partnerships doing business under fictitious names, and it is not intended to confer any right or advantage on individuals or firms that fail to comply with the law. The filing of a fictitious business name certificate is designed to make available to the public the identities of persons doing business under the fictitious name.
>
> . . .
>
> (b) As used in this chapter, "fictitious business name" means:
>
> (1) In the case of an individual, a name that does not include the surname of the individual or a name that suggests the existence of additional owners, as described in subdivision (c).
>
> (c) A name that suggests the existence of additional owners within the meaning of subdivision (b) is one that includes such words as "Company," "& Company," "& Son," "& Sons," "& Associates," "Brothers," and the like, but not words that merely describe the business being conducted.

24. Section 17903 defines the "registrant" of a fictitious business name as the person who filed a fictitious business name statement, and who is the legal owner of the business.

25. Section 17910, subdivision (a), provides that every person who regularly transacts business in California for profit under a fictitious business name shall file a fictitious business name in accordance with the Fictitious Business Names law (Bus. & Prof. Code § 17900 *et seq.*).

26. Section 17913, subdivision (a), requires that a fictitious business name registrant certify the contents of a fictitious business name statement are true and correct.

27. Section 17914, subdivision (a), provides that a sole proprietor shall sign a fictitious business name statement.

28. Section 17930 provides that any person who knowingly files or publishes any statement under the Fictitious Business Name law shall be guilty of a misdemeanor and subject to a fine not to exceed $1,000.00.

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UNIFORM PARTNERSHIP ACT PROVISIONS

29. Corporations Code section 16101 defines "partnership" as an association of two or more persons to carry on as co-owners a business for profit formed under Corporations Code section 16202, predecessor law, or comparable law of another jurisdiction

30. Corporations Code section 16201 provides that a partnership is an entity distinct from its partners.

31. Corporations Code section 16301 states:

> Subject to the effect of a statement of partnership authority under Section 16303 both of the following apply:
>
> (1) Each partner is an agent of the partnership for the purpose of its business. An act of a partner, including the execution of an instrument in the partnership name, for apparently carrying on in the ordinary course the partnership business or business of the kind carried on by the partnership binds the partnership, unless the partner had no authority to act for the partnership in the particular matter and the person with whom the partner was dealing knew or had received a notification that the partner lacked authority.
>
> (2) An act of a partner that is not apparently for carrying on in the ordinary course the partnership business or business of the kind carried on by the partnership binds the partnership only if the act was authorized by the other partners.

32. Corporations Code section 16306, subdivision (a), provides that all partners are liable jointly and severally for all obligations of the partnership unless otherwise agreed by the claimant or provided by law.

33. Alternatively, Corporations Code section 16308 codifies the Doctrine of Partnership by Estoppel or Ostensible Partnership as follows:

> Except with respect to registered limited liability partnerships and foreign limited liability partnerships:
>
> (a) If a person, by words or conduct, purports to be a partner, or consents to being represented by another as a partner, in a partnership or with one or more persons not partners, the purported partner is liable to a person to whom the representation is made, if that person, relying on the representation, enters into a transaction with the actual or purported partnership. If the representation, either by the purported partner or by a person with the purported partner's consent, is made in a public manner, the purported partner is liable to a person who relies

> upon the purported partnership even if the purported partner is not aware of being held out as a partner to the claimant. If partnership liability results, the purported partner is liable with respect to that liability as if the purported partner were a partner. If no partnership liability results, the purported partner is liable with respect to that liability jointly and severally with any other person consenting to the representation.
>
> (b) If a person is thus represented to be a partner in an existing partnership, or with one or more persons not partners, the purported partner is an agent of persons consenting to the representation to bind them to the same extent and in the same manner as if the purported partner were a partner, with respect to persons who enter into transactions in reliance upon the representation. If all of the partners of the existing partnership consent to the representation, a partnership act or obligation results. If fewer than all of the partners of the existing partnership consent to the representation, the person acting and the partners consenting to the representation are jointly and severally liable.
>
> (c) A person is not liable as a partner merely because the person is named by another in a statement of partnership authority.
>
> (d) A person does not continue to be liable as a partner merely because of a failure to file a statement of dissociation or to amend a statement of partnership authority to indicate the partner's dissociation from the partnership.
>
> (e) Except as otherwise provided in subdivisions (a) and (b), persons who are not partners as to each other are not liable as partners to other persons.

COST RECOVERY

34. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case, with failure of the licensee to comply subjecting the license to not being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement.

35. Section 19279.1 provides additional authority for cost recovery under the Household Movers Act, and states:

> Whenever the bureau finds that any person or corporation is operating as a household mover without a valid permit, or is holding itself out as such a household mover without a valid permit in contravention of Section 19279.3, the bureau may issue a citation and fine of not more than five thousand dollars ($5,000) for each violation. The bureau may assess the person or corporation an

amount sufficient to cover the reasonable expense of investigation incurred by the bureau.

FACTUAL BACKGROUND

Registration of Fictitious Business Name Safe N Fast Movers.

36. On April 29, 2014, Respondent AV registered a fictitious business name statement with the Orange County Clerk Recorder to use the fictitious business name "SAFE N FAST MOVERS."

The AA Household Move Project.

37. On June 27, 2021, Respondent AV as Safe N Fast Movers, agreed to move consumer AA from his former home in Laguna Niguel to AA's new home in Aliso Viejo. A dispute over payment for the move arose between Respondent AV and AA because of the time it took to move and the number of movers Respondent AV assigned to the job.

38. On June 28, 2021, Orange County Sheriff's Deputy's responded to a call involving Respondent AV assaulting AA and vandalizing AA's home. Respondent AV went to AA's home in an attempt to collect payment for the move on June 27th. Respondent AV spray painted AA's garage with the word "Thief" because Respondent AV wanted AA's neighbors to know AA was a thief. Deputies arrested Respondent AV for violation of Penal Code sections 240 (assault), 242 (battery), 459 (burglary), and 594, subd. (b)(1) (vandalism of $400 or more).[2]

Dishonest Use of Fictitious Business Name and Dishonest Statements on Website.

39. On August 2, 2021, Respondent AV, using his alias "Andrey Vox" registered a second fictitious business statement with the Orange County Clerk Recorder to use the fictitious business name "SAFE N FAST MOVERS."

40. On November 5, 2021, Respondent SAFM incorporated as a California Corporation, Secretary of State (SOS) No. C4808490. On November 10, 2021, Respondent VV filed a Statement of Information with the SOS on behalf of Respondent SAFM identifying himself as

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[2] The Orange County District Attorney (DA) filed a criminal complaint in *People v. Andrey Vox* (Super. Ct. Orange County, 2022, No. 22HM05358), but the matter was later dismissed by the court over the objection of the DA under Penal Code section 1377-1378 (authority to dismiss misdemeanor for which victim has civil action).

Respondent SAFM's Chief Executive Officer (CEO), Secretary, and Chief Financial Officer (CFO). Respondent VV also identified himself and Respondent AV as Respondent SAFM's only directors. Respondent SAFM identified Respondent AV using his alias "Andrey Vox" instead of his real name.

41. On or about December 5, 2021, Respondent SAFM submitted Application No. MTR0192488 to the Bureau for a Household Movers Permit as an intrastate mover. Respondent SAFM identified Respondent VV as its President and AV as its "co-owner." Respondent SAFM identified Respondent AV using his alias of "Andrey Vox." Respondent SAFM submitted a statement of residence with Application No. MTR0192488, where Respondent VV certified that Respondent SAFM was qualified to transact business in the State of California as of December 5, 2021. Respondent VV certified Respondent SAFM's representations on the application were true, correct, and complete.

42. Notably, Respondent SAFM failed to identify Respondent AV as associated with his Sole Proprietorship, Household Goods Carrier Permit No. CAL-T0191271 on item No. 15 of the application.

Misrepresentations on Respondents Website.

43. Respondents AV and SAFM associated to carry on a household mover business for profit. Additionally, Respondents AV and SAFM purported to be each other's partner or in partnership with one another as household movers through Respondent AV-SAFM. Respondents willfully and falsely used Respondent SAFM's corporate status to give consumers the impression a corporate shield existed to protect Respondent AV from personal liability for harm caused by Respondent SAFM's household moving activities. Likewise, Respondent AV unlawfully allowed Respondent SAFM or Respondent AV-SAFM to use his sole proprietor license and the fictitious business name "Safe N Fast Movers" to falsely claim they were licensed/permitted household movers.

44. On May 1, 2023, a Bureau investigator interviewed Respondent VV. Respondent VV informed the investigator that Respondent SAFM owned and maintained a website advertising its

services to the public at https://safeandfastmovers.com. Respondent AV-SAFM repeatedly and falsely refers to itself as a "company" on its website and makes the following false statements:

- "My name is Andrey Vox, I am the owner and CEO of Safe N Fast Movers Company."
- "SERVICES WE PROVIDE – [] – Fully licensed, Insured, and Bonded. . ."

45. Respondents AV, SAFM, and Respondent AV-SAFM, by their words and conduct purported to the public that they were partners or in partnership with one another. Respondents AV, SAFM, and Respondent AV-SAFM further intended that the public rely upon their representations to enter into transactions with them for household moving services.

46. Respondents AV, SAFM, and Respondent AV-SAFM, on their website, failed to include a prominent link that immediately directs consumers to the Bureau's internet website.

47. Respondents AV, SAFM, and Respondent AV-SAFM made the foregoing intentional dishonest statements in order to induce the public or consumers to hire them for household moving projects for profit.

<u>FIRST CAUSE FOR DISCIPLINE</u>

(Aiding and Abetting Unlicensed Conduct)

(Against Respondent AV)

48. Complainant incorporates paragraphs 36-47 by reference as if set forth in full herein.

49. Respondent AV's permit is subject to revocation under Section 19275, subdivision (b), because he failed to comply with the Business and Professions Code and Household Movers Act, which the Bureau administers, as follows:

a. Failed to comply with Section 119, subdivision (e), because Respondent AV knowingly permitted the unlawful use of his sole proprietorship household movers permit;

b. Failed to comply with Section 19277, subdivision (a), because Respondent AV willfully failed to comply with, or aided and abetted, in the violation of Section 19237, subdivision (a)(1) (requiring a valid household mover permit) by Respondents SAFM or AV-SAFM.

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SECOND CAUSE FOR DISCIPLINE

(Intentional Dishonesty)

(Against Respondent AV)

50. Complainant incorporates paragraphs 36-47 by reference as if set forth in full herein.

51. Respondent AV's permit is subject to revocation under Section 19275, subdivision (d), because he engaged in intentional dishonesty for personal gain. Respondent AV knowingly and willfully issued, published; or caused to be issued or published; written advertisements, broadcasts, and held out to the public, the following statements:

a. That Respondent AV was the CEO of Respondent SAFM;

b. That Safe N Fast Movers was a corporation; and

c. That Respondent SAFM was "fully licensed" as a household mover.

52. Respondent AV personally gained from implying Safe N Fast Movers operated with a corporate shield as a "company" and not a sole proprietorship, and therefore not subject to personal liability for any harm caused by his household moving activities. Respondent further personally gained because Respondent SAFM competed for business as a licensed/permitted household mover without being licensed/permitted.

THIRD CAUSE FOR DISCIPLINE

(Failure Include Link to Bureau's Website)

(Against Respondent AV)

53. Complainant incorporates paragraphs 36-47 by reference as if set forth in full herein.

54. Respondent AV's permit is subject to revocation under Section 19275, subdivision (b), because Respondent AV violated Section 19247 of the Household Movers Act, requiring that he include a prominent link on Safe N Fast's website that immediately directs all consumers to the Bureau's internet website.

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FOURTH CAUSE FOR DISCIPLINE

(Unlawful Advertising)

(Against Respondent AV)

55. Complainant incorporates paragraphs 36-47 by reference as if set forth in full herein.

56. Respondent AV's permit is subject to revocation under Section 19275, subdivision (b), because Respondent AV violated Section 19279.3 of the Household Movers Act by knowingly and willfully publishing written advertisements or holding out to the public, that Respondent SAFM or Respondent AV-SAFM was in operation as a household mover without having a valid permit.

FIFTH CAUSE FOR DISCIPLINE

(Violation of the Household Movers Act)

(Against Respondent AV)

57. Complainant incorporates paragraphs 36-47 by reference as if set forth in full herein.

58. Respondent AV's permit is subject to revocation under Section 19275, subdivision (b), because Respondent AV violated provisions of the Household Movers Act.

CAUSES FOR OTHER ACTION[3]

FIRST CAUSE FOR OTHER ACTION

(Violations by Officers)

(Against Respondent VV)

59. Complainant incorporates paragraphs 36-57 by reference as if set forth in full herein.

60. Respondent VV is subject to other action under Section 19279, because he was an officer and director of Respondent SAFM, an unlicensed household mover that violated or failed to comply with the Household Movers Act. Accordingly, Respondent VV is subject to a citation and fine of not more than five hundred dollars for each offense as described above, up to a maximum of $2,500.00 ($500/cause for discipline).

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[3] The Bureau issued Respondent SAFM citation No. HHM-191 based on the facts identified above. Respondent SAFM appealed Citation No. HHM-191, and it is currently pending before the Department of Consumer Affairs.

SECOND CAUSE FOR OTHER ACTION

(Violations by Officers)

(Against Respondent AV-SAFM)

61. Complainant incorporates paragraphs 36-57 by reference as if set forth in full herein.

62. Respondent AV-SAFM, an unlicensed general partnership, is subject to other action under Section 19279, because it was an agent, as defined in Corporations Code section 16301, of Respondent AV, when he violated or failed to comply with the Household Movers Act. Respondent AV-SAFM is subject to a citation and fine of not more than five hundred dollars for each offense as described above, up to a maximum of $2,500.00 ($500/cause for discipline).

DISCIPLINARY CONSIDERATIONS

63. To determine the degree of discipline Complainant alleges that Respondent AV engaged in acts of violence and vandalism against consumer AA. Respondent AV's acts demonstrate he lacks the fitness or ability to deal fairly or ethically in rendering services involving or incident to the transportation of household goods and personal effects in contravention of Section 19229.1, subdivision (a)(2) and (4).

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Director of Consumer Affairs issue a decision:

1. Revoking or suspending Household Movers Permit Number CAL-T 0191271, issued to Andrey Vokhmyakov;

2. Citing and fining Respondent Vladislav Vokhmyakov, also known as Vlad Vox, in accordance with Section 19279;

3. Citing and fining the unlicensed general partnership between Respondent Andrey Vokhmyakov and Respondent Safe and Fast Movers, Inc., in accordance with Section 19279;

4. Ordering Safe and Fast Movers to pay the Bureau of Household Goods and Services the reasonable costs of the investigation and enforcement of this case, pursuant to Section 125.3; or alternatively ordering reasonable costs for investigation under Section 19279.1; and,

///

5. Taking such other and further action as deemed necessary and proper.

DATED: March 7, 2024

Justin Paddock

JUSTIN PADDOCK
Bureau Chief
Bureau of Household Goods and Services
Department of Consumer Affairs
State of California
Complainant

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ROB BONTA
Attorney General of California
ERIN M. SUNSERI
Supervising Deputy Attorney General
AGUSTIN LOPEZ
Deputy Attorney General
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San Diego, CA 92186-5266
Telephone: (619) 738-9461
Facsimile: (619) 645-2061
Attorneys for Complainant

BEFORE THE
DEPARTMENT OF CONSUMER AFFAIRS
FOR THE BUREAU OF HOUSEHOLD GOODS AND SERVICES
STATE OF CALIFORNIA

In the Matter of the Accusation Against: **SAFE AND FAST MOVERS INC.** Respondents.	Case No. HHM 2023-127 **REQUEST FOR DISCOVERY**

TO RESPONDENTS:

Under section 11507.6 of the Government Code of the State of California, parties to an administrative hearing, including the Complainant, are entitled to certain information concerning the opposing party's case. A copy of the provisions of section 11507.6 of the Government Code concerning such rights is included among the papers served.

PURSUANT TO SECTION 11507.6 OF THE GOVERNMENT CODE, YOU ARE HEREBY REQUESTED TO:

1. Provide the names and addresses of witnesses to the extent known to the Respondents, including, but not limited to, those intended to be called to testify at the hearing, and

2. Provide an opportunity for the Complainant to inspect and make a copy of any of the following in the possession or custody or under control of the Respondents:

a. A statement of a person, other than the Respondents, named in the initial administrative pleading, or in any additional pleading, when it is claimed that the act or omission of the Respondents as to this person is the basis for the administrative proceeding;

b. A statement pertaining to the subject matter of the proceeding made by any party to another party or persons;

c. Statements of witnesses then proposed to be called by the Respondents and of other persons having personal knowledge of the acts, omissions or events which are the basis for the proceeding, not included in (a) or (b) above;

d. All writings, including but not limited to reports of mental, physical and blood examinations and things which the Respondents now proposes to offer in evidence;

e. Any other writing or thing which is relevant and which would be admissible in evidence, including but not limited to, any patient or hospital records pertaining to the persons named in the pleading;

f. Investigative reports made by or on behalf of the Respondents pertaining to the subject matter of the proceeding, to the extent that these reports (1) contain the names and addresses of witnesses or of persons having personal knowledge of the acts, omissions or events which are the basis for the proceeding, or (2) reflect matters perceived by the investigator in the course of his or her investigation, or (3) contain or include by attachment any statement or writing described in (a) to (e), inclusive, or summary thereof.

IN ADDITION, if cost recovery is requested in the pleading prayer, provide all writings which will support any objection which may be made by the Respondents, to Respondent's payment of investigation and enforcement costs to the Board.

For the purpose of this Request for Discovery, "statements" include written statements by the person, signed, or otherwise authenticated by him or her, stenographic, mechanical, electrical

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or other recordings, or transcripts thereof, of oral statements by the person, and written reports or summaries of these oral statements.

YOU ARE HEREBY FURTHER NOTIFIED that nothing in this Request for Discovery should be deemed to authorize the inspection or copying of any writing or thing which is privileged from disclosure by law or otherwise made confidential or protected as attorney's work product.

Your response to this Request for Discovery should be directed to the undersigned attorney for the Complainant at the address on the first page of this Request for Discovery within 30 days after service of the Accusation.

Failure without substantial justification to comply with this Request for Discovery may subject the Respondents to sanctions pursuant to sections 11507.7 and 11455.10 to 11455.30 of the Government Code.

Dated: March 8, 2024

ROB BONTA
Attorney General of California
ERIN M. SUNSERI
Supervising Deputy Attorney General

Agustin F. Lopez III

AGUSTIN LOPEZ
Deputy Attorney General
Attorneys for Complainant

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BEFORE THE
DEPARTMENT OF CONSUMER AFFAIRS
FOR THE BUREAU OF HOUSEHOLD GOODS AND SERVICES
STATE OF CALIFORNIA

In the Matter of the Accusation Against: **SAFE AND FAST MOVERS INC.,** Respondents.	Case No. HHM 2023-127 **NOTICE OF DEFENSE** (Gov. Code, §§ 11505 and 11506)

I hereby acknowledge receipt of a copy of the Accusation in the above-entitled proceeding, as well as the Statement to Respondent, Government Code sections 11507.5, 11507.6 and 11507.7, Complainant's Request for Discovery, and two copies of a Notice of Defense.

I further acknowledge that by filing this Notice of Defense, a Respondent is entitled to a hearing on the merits of the Accusation, and that under Government Code section 11506, a Respondent has a right to file a further Notice of Defense within the time specified in that section.

This Notice of Defense is filed on my own behalf as a Respondent or in my capacity as an authorized representative of an entity named as a Respondent in the Accusation.

Print the name of each Respondent for whom this Notice of Defense is filed. You must be legally authorized to file a Notice of Defense on behalf of any Respondent other than yourself:

____

____

Date: ____________________

Print Your Name: ____________________

Your Signature: ____________________

Respondent's Mailing Address: ____________________

____

Phone: ____________________

E-mail ____________________

Check one box:

☐ I am represented by counsel, whose name, address and telephone number appear below:

Counsel's Name ______________________________

Counsel's Mailing Address ______________________________

____

Phone: ______________________________

E-mail: ______________________________

☐ I am not now represented by counsel. If and when counsel is retained, immediate notification of the attorney's name, address and telephone number will be filed with the Office of Administrative Hearings and a copy sent to the Deputy Attorney General who represents Complainant so that Respondent's counsel will be on record to receive legal notices, pleadings and other papers.

Check box if applicable:

☐ I wish to avoid a hearing if possible and be considered for a stipulated settlement or stipulated surrender of license.

The agency taking the action described in the Accusation may have formulated disciplinary guidelines. You may obtain a copy of the guidelines by requesting them in writing from the agency. A link to the agency's website can be found on-line at https://www.dca.ca.gov/about_us/entities.shtml.

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BEFORE THE
DEPARTMENT OF CONSUMER AFFAIRS
FOR THE BUREAU OF HOUSEHOLD GOODS AND SERVICES
STATE OF CALIFORNIA

In the Matter of the Accusation Against: **SAFE AND FAST MOVERS INC.,** Respondents.	Case No. HHM 2023-127 **NOTICE OF DEFENSE** (Gov. Code, §§ 11505 and 11506)

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This Notice of Defense is filed on my own behalf as a Respondent or in my capacity as an authorized representative of an entity named as a Respondent in the Accusation.

Print the name of each Respondent for whom this Notice of Defense is filed. You must be legally authorized to file a Notice of Defense on behalf of any Respondent other than yourself:

____

____

Date: ____________________
Print Your Name: ____________________
Your Signature: ____________________
Respondent's Mailing Address: ____________________
____
Phone: ____________________
E-mail ____________________

Check one box:

☐ I am represented by counsel, whose name, address and telephone number appear below:

Counsel's Name ____

Counsel's Mailing Address ____

____

Phone: ____

E-mail: ____

☐ I am not now represented by counsel. If and when counsel is retained, immediate notification of the attorney's name, address and telephone number will be filed with the Office of Administrative Hearings and a copy sent to the Deputy Attorney General who represents Complainant so that Respondent's counsel will be on record to receive legal notices, pleadings and other papers.

Check box if applicable:

☐ I wish to avoid a hearing if possible and be considered for a stipulated settlement or stipulated surrender of license.

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COPY OF GOVERNMENT CODE SECTIONS 11507.5, 11507.6 AND 11507.7
PROVIDED PURSUANT TO GOVERNMENT CODE SECTIONS 11504 AND 11505

SECTION 11507.5: Exclusivity of discovery provisions

The provisions of Section 11507.6 provide the exclusive right to and method of discovery as to any proceeding governed by this chapter.

SECTION 11507.6: Request for discovery

After initiation of a proceeding in which a respondent or other party is entitled to a hearing on the merits, a party, upon written request made to another party, prior to the hearing and within 30 days after service by the agency of the initial pleading or within 15 days after the service of an additional pleading, is entitled to (1) obtain the names and addresses of witnesses to the extent known to the other party, including, but not limited to, those intended to be called to testify at the hearing, and (2) inspect and make a copy of any of the following in the possession or custody or under the control of the other party:

(a) A statement of a person, other than the respondent, named in the initial administrative pleading, or in any additional pleading, when it is claimed that the act or omission of the respondent as to this person is the basis for the administrative proceeding;

(b) A statement pertaining to the subject matter of the proceeding made by any party to another party or person;

(c) Statements of witnesses then proposed to be called by the party and of other persons having personal knowledge of the acts, omissions or events which are the basis for the proceeding, not included in (a) or (b) above;

(d) All writings, including, but not limited to, reports of mental, physical and blood examinations and things which the party then proposes to offer in evidence;

(e) Any other writing or thing which is relevant and which would be admissible in evidence;

(f) Investigative reports made by or on behalf of the agency or other party pertaining to the subject matter of the proceeding, to the extent that these reports (1) contain the names and addresses of witnesses or of persons having personal knowledge of the acts, omissions or events which are the basis for the proceeding, or (2) reflect matters perceived by the investigator in the course of his or her investigation, or (3) contain or include by attachment any statement or writing described in (a) to (e), inclusive, or summary thereof.

For the purpose of this section, "statements" include written statements by the person signed or otherwise authenticated by him or her, stenographic, mechanical, electrical or other recordings, or transcripts thereof, of oral statements by the person, and written reports or summaries of these oral statements.

Nothing in this section shall authorize the inspection or copying of any writing or thing which is privileged from disclosure by law or otherwise made confidential or protected as the attorney's work product.

SECTION 11507.7: Petition to compel discovery; Order; Sanctions

(a) Any party claiming the party's request for discovery pursuant to Section 11507.6 has not been complied with may serve and file with the administrative law judge a motion to compel discovery, naming as respondent the party refusing or failing to comply with Section 11507.6. The motion shall state facts showing the respondent party failed or refused to comply with Section 11507.6, a description of the matters sought to be discovered, the reason or reasons why the matter is discoverable under that section, that a reasonable and good faith attempt to contact the respondent for an informal resolution of the issue has been made, and the ground or grounds of respondent's refusal so far as known to the moving party.

(b) The motion shall be served upon respondent party and filed within 15 days after the respondent party first evidenced failure or refusal to comply with Section 11507.6 or within 30 days after request was made and the party has failed to reply to the request, or within another time provided by stipulation, whichever period is longer.

(c) The hearing on the motion to compel discovery shall be held within 15 days after the motion is made, or a later time that the administrative law judge may on the judge's own motion for good cause determine. The respondent party shall have the right to serve and file a written answer or other response to the motion before or at the time of the hearing.

(d) Where the matter sought to be discovered is under the custody or control of the respondent party and the respondent party asserts that the matter is not a discoverable matter under the provisions of Section 11507.6, or is privileged against disclosure under those provisions, the administrative law judge may order lodged with it matters provided in subdivision (b) of Section 915 of the Evidence Code and examine the matters in accordance with its provisions.

(e) The administrative law judge shall decide the case on the matters examined in camera, the papers filed by the parties, and such oral argument and additional evidence as the administrative law judge may allow.

(f) Unless otherwise stipulated by the parties, the administrative law judge shall no later than 15 days after the hearing make its order denying or granting the motion. The order shall be in writing setting forth the matters the moving party is entitled to discover under Section 11507.6. A copy of the order shall forthwith be served by mail by the administrative law judge upon the parties. Where the order grants the motion in whole or in part, the order shall not become effective until 10 days after the date the order is served. Where the order denies relief to the moving party, the order shall be effective on the date it is served.

****

DECLARATION OF SERVICE BY CERTIFIED MAIL AND FIRST CLASS MAIL
(Separate Mailings)3

Case Name: **In the Matter of the Accusation Against Safe and Fast Movers Inc.**
Case No.: **HHM 2023-127**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service with postage thereon fully prepaid that same day in the ordinary course of business.

On March 8, 2024, I served the attached **STATEMENT TO RESPONDENT; ACCUSATION; REQUEST FOR DISCOVERY; NOTICE OF DEFENSE (2 COPIES) AND GOVERNMENT CODE SECTIONS 11507.5, 11507.6 AND 11507.7** by placing a true copy thereof enclosed in a sealed envelope as certified mail with return receipt requested, and another true copy of the **STATEMENT TO RESPONDENT; ACCUSATION; REQUEST FOR DISCOVERY; NOTICE OF DEFENSE (2 COPIES) AND GOVERNMENT CODE SECTIONS 11507.5, 11507.6 AND 11507.7** was enclosed in a second sealed envelope as first class mail in the internal mail collection system at the Office of the Attorney General at 600 West Broadway, Suite 1800, P.O. Box 85266, San Diego, CA 92186-5266, addressed as follows:

Andrey Vokhmyakov, Sole Proprietor,
dba Safe N Fast Movers
353 West Ontario Avenue
Corona, CA 92882

Certified Article Number
9414 7266 9904 2221 2334 39
SENDER'S RECORD

Safe And Fast Movers, Inc;
Vladislav Vokhmyakov, Unregistered
Partner/Officer
353 West Ontario Avenue
Corona, CA 92882

Certified Article Number
9414 7266 9904 2221 2347 26
SENDER'S RECORD

Andrey Vokhmyakov/Safe And Fast
Movers, Inc., Unregistered General Partner
353 West Ontario Avenue
Corona, CA 92882

Certified Article Number
9414 7266 9904 2221 2347 33
SENDER'S RECORD

I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct and that this declaration was executed on March 8, 2024, at San Diego, California.

C. Krystoff	*/s/ C. Krystoff*
Declarant	Signature