

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

In the Matter of the Citation Against:

ANDREY VOX, Owner; SAFE AND FAST MOVERS, INC.

Respondent

Case No. CIT HHM-191

OAH Case No. 2024090174

DECISION

The attached Proposed Decision of the Administrative Law Judge is hereby adopted by the Director of the Department of Consumer Affairs and the Bureau of Household Goods and Services as the decision in the above-entitled matter.

This Decision shall become effective on February 28, 2025

IT IS SO ORDERED this 17th day of January, 2025.

By:  _____

RYAN MARCROFT
Deputy Director
Legal Affairs Division
Department of Consumer Affairs

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

In the Matter of the Citation Against:

ANDREY VOX, Owner; SAFE AND FAST MOVERS, INC.

Respondent

Citation No. HHM 191

OAH No. 2024090174

PROPOSED DECISION

Marion J. Vomhof, Administrative Law Judge, Office of Administrative Hearing, State of California, heard this matter by videoconference on September 10, 2024.

Augustin Lopez, Deputy Attorney General, appeared on behalf of Justin Paddock (complainant), Chief, Bureau of Household Goods and Services (bureau), Department of Consumer Affairs, State of California.

Andrey Vox, aka Andrey Vokhmyakov (AV), represented himself and Safe and Fast Movers, Inc. (SAFM).

Oral and documentary evidence was received. The record was closed and the matter was submitted for decision on September 10, 2024. This matter was consolidated for hearing with Accusation Case No. HHM 2023-127, OAH No.

2024040065. Separate decisions for the accusation and citation are issued for this consolidated hearing.

FACTUAL FINDINGS

Background and Licensing History

1. Respondent Andrey Vokhmyakov, aka Andrey Vox (AV), is a Sole Proprietor, dba Safe N Fast Movers.
2. Respondent SAFM was an unlicensed California corporation and an unregistered partner, agent, or associate of respondent AV.
3. Vladislav Vokhmyakov (VV) is an unregistered and unlicensed officer, partner, agent, or associate of respondent AV.
4. Respondent AV-SAFM was an unlicensed general partnership between respondent AV and respondent SAFM.
5. On April 29, 2014, AV registered a fictitious business name statement with the Orange County Clerk Recorder to use the fictitious business name "Safe N Fast Movers."

6. Effective as of January 20, 2015, the California Public Utilities Commission (PUC) issued Householder Goods Carrier Permit No. CAL-T 0191271 to Andrey Vokhmyakov, as a sole proprietor, dba Safe N Fast Movers.¹

7. The bureau issued a Permit Status Certification that documented the following permit actions taken by the bureau, from January 20, 2015, through December 11, 2023, against AV's permit:

- On March 26, 2018, AV's permit was suspended for failure to provide liability insurance and revoked on June 22, 2018. The permit was reinstated on August 8, 2018.
- On March 19, 2020, AV's permit was suspended for failure to provide cargo insurance. The permit was reinstated on October 13, 2020.
- On May 21, 2021, AV's permit was suspended for failure to provide workers' compensation insurance. The permit was reinstated on May 26, 2021.
- On October 7, 2021, AV's permit was suspended for failure to provide liability insurance. The permit reinstated on October 26, 2021.
- On April 27, 2022, AV's permit was suspended for failure to provide cargo insurance. The permit was reinstated on May 9, 2023.

8. On April 27, 2023, the bureau issued Citation No. HHM-191 (citation) to Andrey Vox, Owner, Safe and Fast Movers, Inc. (SAFM), alleging violation of Business

¹ Effective July 1, 2018, the authority to regulate, license, or discipline household movers was transferred from the PUC to the bureau. (Bus. & Prof. Code § 19294.)

and Professions Code² sections 19279.1 with 19279.3 (operating as a household mover without a valid operating permit and willful advertising), and 19236.4, subdivision (e) (unpermitted household mover with no bureau record of workers' compensation insurance coverage).

9. AV and SAFM appealed the citation and this hearing followed.

Complainant's Evidence

TESTIMONY OF LORI FRIEDMANN

10. Ms. Friedmann is a Digital Forensic Investigator in the bureau's Office of Digital Investigation (ODI). One of her duties is to preserve websites for off-line viewing. Ms. Friedmann uses a software program that is able to capture a webpage and provide a detailed forensic capture report regarding that webpage. The program assigns a control number to each item (page) that is captured, and adds a hyperlink, titled "Metadata." Clicking the hyperlink takes the user to a detailed report which matches the control number. The report includes the URL and the date and time that webpage was displayed. Clicking the URL takes the user to the current site as it appears at that time.

Ms. Friedmann provided a forensic capture report from SAFM's website dated October 13, 2023. The webpage that was captured listed Safe N Fast Movers and stated that AV is the owner and CEO of Safe N Fast Movers. The hyperlink led to the

² All references are to the Business and Professions Code unless otherwise noted.

report, which showed the URL was "https://safeandfastmovers.com/about-moving-company" and the date of capture was October 12, 2023.

Ms. Friedman provided a forensic capture report from Safe N Fast Movers Facebook page, which was obtained using the same process. The report showed an email address of "safenfastmovers@gmail.com" and a URL of "facebook.com/safenfastmovers.com."

THE BUREAU'S INVESTIGATION AND DOCUMENTATION

11. Oliver Manila works as a special investigator for the bureau. His duties include investigating complainants regarding violations of the Household Movers Act. Mr. Manila was assigned to investigate this matter. The following is a summary of information that was obtained from Mr. Manila's testimony, a written report he provided to the bureau, and documentation provided by complainant.

12. In his 2014 application for a householder mover permit, AV is the listed owner of Safe N Fast Movers, Inc., with an address in Trabuco Canyon, California. AV was issued householder mover permit No. CAL-T 0191271.

13. On March 9, 2022, the bureau received a second application from AV for a household mover permit, with a business name of "Safe and Fast Movers, Inc." and an address in Corona, California. AV listed his son, VV, as co-owner, partner and president. The bureau assigned AV permit application no. MTR0192488.

14. On November 5, 2021, SAFM incorporated as a California corporation, Secretary of State (SOS) No. C4808490. On November 10, 2021, VV filed a Statement of Information with the SOS on behalf of SAFM identifying himself as SAFM's Chief Executive Officer (CEO), Secretary, and Chief Financial Officer (CFO). VV also identified

himself and AV as SAFM's only directors. SAFM identified AV as "Andrey Vox" instead of Andrey Vokhmyakov. The registration was terminated on March 6, 2023.

15. During the approval process, the bureau sent AV a criminal questionnaire which he failed to complete. A criminal background check revealed that AV had been arrested in 2021 for charges of violating Penal Code sections 459, burglary; 594, subdivision (B)(1), vandalism; 240, assault on person; and 242, battery. According to the Orange County Sheriff's Department report, AV was involved in a dispute with a customer over payments owed for a move. AV entered the customer's residence without permission, yelling and demanding payment, punched the customer, and prior to leaving, spray painted the word "thief" on the customer's garage door.

16. On March 29, 2023, the bureau's licensing database revealed that SAFM's application was still pending. The bureau found that AV was operating SAFM without bureau approval. Mr. Manila called the business number listed on the website. A live agent indicated that Mr. Manila had reached "Safe and Fast Movers." Mr. Manila then emailed the business inquiring about a potential move, and he received a response from "Artem" with SAFM who provided a quote for the move.

17. According to the bureau's records, the only person allowed to use the DBA Safe N Fast Movers is AV through his sole proprietorship permit. SAFM is not permitted to use this fictitious name and must obtain its own household mover permit to operate in California.

A Facebook page Mr. Manila reviewed, and which Ms. Friedmann captured in her report, contained a photo advertisement with the website "www.safenfastmovers.com" printed on the side of a truck. The report indicates this photo had been uploaded to Facebook on January 29, 2019. A webpage Mr. Manila

reviewed and Ms. Friedmann captured in her report referenced Safe N Fast Movers, but the report showed the URL to be <https://safeandfastmovers.com>.

Mr. Manila said that between the time the photo advertisement was uploaded to Facebook on January 29, 2019, and the time Mr. Manila viewed the website on October 12, 2023, the website had changed names. Mr. Manila stated that as of April 28, 2023, the website belonged to SAFM, the corporation.

18. With regard to advertising, the business had an active website that offered information about its moving services and assured customers that the business was fully licensed, bonded and insured. The website listed the Trabuco Canyon and Corona addresses. Surveillance of the addresses revealed both were private residences.

19. When AV completed his 2014 application for a permit for Safe N Fast Inc., he signed a declaration on September 20, 2014, indicating that he did not have employees and on December 7, 2014, and December 20, 2014, he signed declarations indicating that he did have employees. The declarations stated that he understood he was required to obtain workers compensation insurance prior to obtaining a permit. From October 13, 2014, through December 12, 2014, Safe N Fast Movers received three deficiency notices from the PUC indicating they must show proof of workers compensation insurance prior to being issued a household mover permit.

Both SAFM and the sole proprietorship represented that they had employees. A webpage captured by Ms. Friedmann's program shows photographs of two individuals identified as the "foreman" and "driver," and the report indicates the URL is for SAFM. A Facebook page captured by the program refers to Safe N Fast Movers, and states, "We employ the best-trained moving professionals." The report indicates the user name was Safe N Fast Movers.

20. The Workers' Compensation Insurance Rating Bureau (WCIRB) system provides information regarding entities who have workers compensation coverage. A WCIRB report dated June 26, 2023, provided no indication that SAFM, the corporation, had workers' compensation insurance. Safe N Fast Movers, the sole proprietorship, did have workers compensation insurance, but the last policy period began January 6, 2022, and ended April 5, 2022.

21. On April 27, 2023, Mr. Manila visited AV at the Corona residence. AV stated that he owned SAFM and that he had a permit to operate as such. Mr. Manila stated that he had no record of a bureau-issued household mover permit for SAFM, and he asked to see a copy of the permit. AV said, "No," and closed the door. Mr. Manila then issued Citation No. HHM-191 to AV and SAFM, with a \$2,000 fine, for violation of Sections 19279.1 and 19279.3, operating as a household mover without a valid operating permit and willful advertising, and 19236.4, subdivision (e), unpermitted household mover with no bureau record of workers' compensation insurance.

22. On May 1, 2023, VV called Mr. Manila to ask about the citation. VV said AV should not have received a citation because AV already had a permit for his sole proprietorship (Safe N Fast Movers). VV stated that the reason they applied for a permit for a new corporation was so that his father could give him a share of that corporation. VV confirmed that the business website belonged to SAFM and that it provides moving services. Mr. Manila explained that SAFM needs a permit to operate, and that they must cease moving operations until a permit is issued. VV played no role in the sole proprietorship. He explained the Citation Review Conference (CRC) process where AV could dispute the citation if he wished to do so. According to the SOS

website, at the time of VV's call to Mr. Manila, SAFM's corporate registration had been terminated for two months.

23. On May 31, 2023, a CRC was held at AV's request. In summary, AV explained that his current business is operated as a sole proprietorship and he has household mover permit no. CAL-T 0191271, which he has had for many years. His business uses both the Corona and Trabuco Canyon addresses. He shut the door during his visit with Mr. Manila because he thought Mr. Manila was a solicitor. He acknowledged that he had not completed the questionnaire he received regarding his application for SAFM. AV was informed that the bureau would review the matter.

24. Mr. Manila sent AV another questionnaire, which AV completed and returned on June 8, 2023. AV included a hand-written statement regarding the incident with his customer, where he wrote that he put his arm out to protect himself from blows and his arms struck the customer, and that the charges had been dismissed. Mr. Manila reviewed AV's application for SAFM, which was completed and signed by VV. The application identified the DBA as SAFM (rather than Safe N Fast Movers Inc.) and had a Corona address, and listed VV as president and AV as co-owner. In the Statement of Ownership, the question as to whether he ever had a permit was answered, "No."

25. At some point AV changed his last name from Vokhmyakov to Vox. Mr. Manila found no indication in the bureau's records that AV ever notified the bureau. It was AV's responsibility to notify the bureau at the time he changed his name.

Respondents' Evidence

TESTIMONY OF VV

26. The reason for forming a corporation and completing the application for a permit for SAFM, was that VV intended to go into the business with his father, AV, and AV would at some point transfer everything from the sole proprietorship to the corporation.

27. VV helped AV complete paperwork for Mr. Manila. He tried to describe the history of what happened. The assault charge was removed before the entire matter was dismissed. His father would never assault anyone. When their corporate application was denied, VV and AV "kind of ignored it" because they did not believe there was anything more they could do. They never advertised the corporation because they knew the corporation had no insurance. VV said, "We wouldn't do that."

28. His father has issues expressing himself in English and understanding some English. VV would never have said that the website belonged to SAFM because the corporation had been dissolved and because he knew it was a sole proprietorship.

29. What VV meant to say to Mr. Manila was that he and his father never used the sole proprietorship and the corporation together. The website belonged to the sole proprietorship and not to the corporation.

TESTIMONY OF AV

30. Although AV speaks and understands English, most of his testimony at this hearing was in Russian, and his son VV assisted in translating for him.

31. AV completed the questionnaire and provided a hand-written statement to the bureau, regarding the June 27, 2021, incident. He described the incident as a "misunderstanding" regarding payment. After completing a job, his workers told AV that a client wanted to speak with him. He went to the client's home. Inside the home, the client showed AV a few items that the client alleged had been damaged during the move. AV advised him to submit an insurance claim after he had paid AV. The client became unhappy and pushed AV towards the door. As he was pushed, AV put his hand forward to protect himself. He asked the client again to pay and he refused. AV stated, "Regretfully now, but in an impulse," he took a can of spray paint and painted the word "thief" on the client's garage door. The police were called and he was arrested and charged with misdemeanor vandalism. AV said that the "charges have been completely removed."

32. When AV started his sole proprietorship, he never planned to start a corporation. When VV wanted to be involved in the business, AV decided to form a corporation to make the transition easier. He was following what was required to get the corporation insured. When VV changed his mind and decided that he did not want to join AV's business, AV decided to dissolve the corporation. After the dissolution, AV was surprised when Mr. Manila showed up in late April 2023. Mr. Manila may have said he was a bureau employee, but AV did not understand. He thought Mr. Manila was a solicitor. Because the corporation was already dissolved by that time, AV thought Mr. Manila must be referring to the sole proprietorship and "they could look it up themselves."

33. The corporation was already closed and AV saw no reason to appeal the application denial. He returned the questionnaire "because Mr. Manila asked him" to do so. AV had his name officially changed from Vokhmyakov to Vox in 2015.

Legal Conclusions

Burden and Standard of Proof

1. Complainant has the burden of proving the alleged grounds for the citation by a preponderance of the evidence. (*Owen v. Sands* (2009) 176 Cal.App.4th 985, 992.) A preponderance of the evidence means "'evidence that has more convincing force than that opposed to it.' [Citation.]" (*People ex rel. Brown v. Tri-Union Seafoods, LLC* (2009) 171 Cal.App.4th 1549, 1567.)

Authority of the Bureau

2. 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.

3. Section 9810 states that the bureau is located within the Department of Consumer Affairs, under the supervision and control of the director. The bureau's Division of Household Movers is responsible for administering the Household Movers Act. (Bus. & Prof. Code § 19225 et seq.)

4. Sections 19228 and 19294 establish the transfer of authority from the PUC to the bureau, effective July 1, 2018.

5. 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

6. 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.

7. 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.

8. 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) 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.

9. 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."

10. Section 19275 states, in pertinent part:

[¶] . . . [¶]

(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.

11. 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.

12. 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.

13. Section 19279.1 provides that 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.

14. 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).

Fictitious Business Name Authority

15. 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.

16. 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.

17. 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.).

Uniform Partnership Act Provisions

18. Corporations Code section 16101 defines "partnership" as an association of two or three 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.

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

20. 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.

21. 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.

22. 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.

Analysis

23. Citation No. HHM-191 issued on April 27, 2023, cited AV, owner, and Safe and Fast Movers, Inc., for violating Section 19279.1 with Section 19279.3, operating as a household mover without a valid operating permit and with willful advertising and for violating Section 9236.4, subdivision (e), unpermitted household mover with no bureau record of workers compensation insurance coverage.

24. In 2015, a household mover permit was issued to AV's sole proprietorship dba Safe N Fast Movers. However, the corporation, Safe and Fast Movers, Inc., must have its permit to conduct business as a household mover. Clearly AV understood a permit was required as he and VV filed an application for a permit in 2022. AV failed to follow through, a background check revealed his arrest and the customer dispute. The sole proprietorship and the corporation had different addresses. The corporation was formed to enable the transfer of the sole proprietorship business

into the corporation to eventually transfer the moving business to VV. VV changed his mind and the corporation was dissolved on March 6, 2023.

25. Complainant provided significant evidence that instead of appealing the permit denial, AV began "using SAFM" in his business. He did not seem to understand that this was not allowed and he did not say why he used it. Mr. Manila reviewed a page from the business website that advertised the moving business and stated that AV was the owner and CEO of Safe N Fast Movers. A forensic capture report revealed that the URL belonged to SAFM. The statement that AV was CEO of Safe N Fast Movers was misleading in itself, as it led the viewer to believe that Safe N Fast Movers was a corporation rather than a sole proprietorship DBA. A Facebook advertisement with a photograph of a business truck with "safenfastmovers.com" printed on the side of the truck was found to have been generated from a SAFM URL. Mr. Manila called a business number from what appeared to be Safe N Fast Movers's website, requesting a quote for a move. The agent answered the phone, indicating that Mr. Manila had reached SAFM. He then provided a quote from SAFM for a move.

26. AV "was surprised" when Mr. Manila showed up in late April 2023 because the corporation had been dissolved. It was concerning that he again failed to understand that it did not matter that the corporation was dissolved but that the issue was using the unpermitted corporation. His statement that he thought Mr. Manila was a solicitor was not credible, and Mr. Manila's account of the conversation was more credible.

27. In connection with his 2014 permit application for his sole proprietorship dba, Safe N Fast Movers, AV signed three PUC declarations regarding workers' compensation coverage. In a September 20, 2014, declaration he indicated that he did not have employees, but on December 7, 2014, and December 20, 2014, he signed

declarations indicating that he did have employees. The declarations stated that proof of workers' compensation coverage must be provided to the PUC before a permit could be issued. Between October 13, 2014, through December 12, 2014, AV received three deficiency notices from the PUC because he failed to provide proof of workers' compensation insurance as requested.

Both SAFM and Safe N Fast Movers represented on the business website and on Facebook that they had employees. A webpage captured by Ms. Friedmann's program showed photographs of two individuals identified as the "foreman" and "driver", and the report indicated the URL belonged to SAFM. A Facebook page captured by the program identified it was from Safe N Fast Movers, and stated, "We employ the best-trained moving professionals." The report indicated the user name was Safe N Fast Movers.

A WCIRB report dated June 26, 2023, provided no indication that SAFM, the corporation, had workers' compensation insurance. The report reflected that Safe N Fast Movers, the sole proprietorship, did have workers' compensation insurance, but the last policy period began January 6, 2022, and ended April 5, 2022. Therefore, Safe N Fast Movers had been without workers' compensation coverage for more than one year at the time of this report.

28. In addition, the \$2,000 fine assessed in the citation is reasonable. The amount of the fine is proportional to the gravity of the violation and is appropriate given these facts.

ORDER

1. Citation No. HHM-191 issued against Andrey Vox, Safe and Fast Movers, Inc., for violating Sections 19279.1, 19279.3, and 19236.4, subdivision (e), is affirmed, whereby the appeal by respondent is denied and respondent is ordered to abate operating as a household mover without a valid operating permit, and with willful advertising; and operating as an unpermitted household mover with no bureau record or workers compensation insurance coverage.

2. Andrey Vox, Safe and Fast Movers, Inc. shall pay a civil penalty of \$2,000 to the bureau within 30 days of the effective date of this decision.

DATE: October 10, 2024

Marion J. Vomhof

MARION J. VOMHOF

Administrative Law Judge

Office of Administrative Hearings