

**BEFORE THE  
UNITED STATES DEPARTMENT OF TRANSPORTATION  
FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION**

**In the Matter of:**

**US MOVING SERVICES, INC.  
USDOT #1833493**

**Respondent**

**Docket No. FMCSA-2013-0488<sup>1</sup>  
(Southern Service Center)**

**ORDER APPROVING SETTLEMENT**

On August 28, 2013, the Florida Division of the Federal Motor Carrier Safety Administration (FMCSA) issued a Notice of Claim (NOC) against US Moving Services, Inc. (Respondent). The NOC charged Respondent with four counts of violating 49 U.S.C. §§ 14101/14915 – failing to relinquish possession of a household goods shipment after the shipper offers to pay or pays at least 100 percent of the binding estimate;<sup>2</sup> one count of violating 49 CFR 375.205(b) – failing to have a written and signed agency agreement in effect with your Prime Agent; one count of violating 49 CFR 375.215 – failing to charge applicable tariff rate; one count of violating 49 CFR 375.403(c) – failing to retain a copy of the binding estimate for each move performed for one year as an integral part of the bill of lading; one count of violating 49 CFR 375.409 – failing to have a written agreement with broker adopting the broker’s estimate as

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<sup>1</sup> The prior case number of this matter was FL-2013-0224-US1227.

<sup>2</sup> The NOC incorrectly refers to this violation as 49 “CFR” 14101(a)/14915. There is no such provision in the Code of Federal Regulations. The section cited by the Florida Division refers to the United States Code. The Settlement Agreement is amended to correct the first violation to conform with this Order.

your own estimate; one count of violating 49 CFR 375.501(g) – failing to retain a copy of the order for service for each move performed for one year as an integral part of the bill of lading; one count of violating 49 CFR 375.505(d) – failing to retain a copy of a bill of lading for each move performed for one year from the date it's created; one count of violating 49 CFR 375.703(a) – collecting more than the exact amount of a binding estimate at the time of delivery. The NOC proposed a civil penalty of \$47,700.<sup>3</sup>

On or about November 27, 2013, the Field Administrator for FMCSA's Southern Service Center (Claimant) served a Motion for Continuance and Request for Docket Number. On December 16, 2013, Claimant served a Notice of Settlement and Motion to Terminate Proceedings and Close Docket. Claimant attached a copy of the fully executed settlement agreement (Agreement) to his Motion.

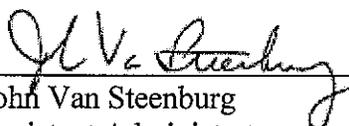
The Agreement conditionally holds \$7,700 of the proposed penalty in abeyance provided that Respondent complies with the terms and conditions set forth in paragraph four of the Agreement. The Agreement requires Respondent to pay \$40,000 in ninety-nine (99) installments beginning on January 27, 2014. The Agreement sets forth the consequences for failure to comply with the terms and conditions of the Agreement. I conclude that the terms of the Agreement are in the public interest and the Agreement is accepted.<sup>4</sup>

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<sup>3</sup> Field Administrator's Notice of Settlement and Motion to Terminate Proceedings and Close Docket.

<sup>4</sup> Under 49 CFR 386.22(c), a settlement agreement does not become a final agency order in a proceeding until the Assistant Administrator enters an order accepting the settlement agreement.

*It is therefore ORDERED*, that the Settlement Agreement is the Final Order in this matter, the proceedings are dismissed, and the docket is closed.

  
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John Van Steenburg  
Assistant Administrator  
Federal Motor Carrier Safety Administration

1/27/14  
Date

## CERTIFICATE OF SERVICE

This is to certify that on this 28 day of January, 2014, the undersigned mailed or delivered, as specified, the designated number of copies of the foregoing document to the persons listed below.

U.S. Moving Service, Inc. 20262 NE 15 <sup>th</sup> Court Unit #A Miami, FL 33179 <i>Respondent</i>	One Copy U.S. Mail
Matthew J. Hardy Office of Chief Counsel Federal Motor Carrier Safety Administration Southern Service Center 1800 Century Blvd., NE Suite 1700 Atlanta, GA 30345 <i>Claimant's Attorney</i>	One Copy U.S. Mail
U.S. Department of Transportation Docket Operations, M-30 West Building Ground Floor Room W12-140 1200 New Jersey Avenue, S.E. Washington, D.C. 20590	Original Personal Delivery

Janice Miller