

DOCKET NUMBER T-36504 - LOUISIANA PUBLIC SERVICE COMMISSION VS. ADAIR MOVERS LLC. IN RE: ALLEGED VIOLATION OF LA. R.S. 45:161 THROUGH 180.1, BY ENGAGING IN ACTIVITIES RELATED TO MOVING HOUSEHOLD GOODS PRIOR TO COMPLYING WITH THE REQUIREMENTS OF LA. R.S. 45:164 (E) AND GENERAL ORDER DATED MARCH 16, 2021 AND FOR FAILURE TO COMPLY WITH THE REQUIREMENTS OF GENERAL ORDER DATED APRIL 3, 2008 AS AMENDED.

DATE OF HEARING: MAY 4, 2023

ADMINISTRATIVE LAW JUDGE MELISSA FREY

WITNESSES:

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1 **DOCKET NUMBER T-36504 - LOUISIANA PUBLIC SERVICE**
2 **COMMISSION VS. ADAIR MOVERS LLC. IN RE: ALLEGED**
3 **VIOLATION OF LA. R.S. 45:161 THROUGH 180.1, BY ENGAGING IN**
4 **ACTIVITIES RELATED TO MOVING HOUSEHOLD GOODS PRIOR TO**
5 **COMPLYING WITH THE REQUIREMENTS OF LA. R.S. 45:164 (E) AND**
6 **GENERAL ORDER DATED MARCH 16, 2021 AND FOR FAILURE TO**
7 **COMPLY WITH THE REQUIREMENTS OF GENERAL ORDER DATED**
8 **APRIL 3, 2008 AS AMENDED.**

9 **ADMINISTRATIVE LAW JUDGE MELISSA FREY:** The next matter, the last
10 matter we have on the docket this morning is Docket Number T-36504 - Louisiana
11 Public Service Commission versus Adair Movers LLC. In re: Alleged violation of
12 Louisiana Revised Statute 45:161 through 180.1, by engaging in activities related
13 to moving household goods prior to complying with the requirements of Louisiana
14 Revised Statute 45:164(E) and General Order dated March 16, 2021 and for failure
15 to comply with the requirements of General Order dated April 3, 2008 as amended.
16 Would the parties present please make your appearances for the record?

17 **MS. TANIKA STARKS:** Tanika Starks on behalf of Staff.

18 **JUDGE FREY:** Let the record reflect that there is no one present in the courtroom
19 this morning on behalf of Adair Movers LLC. Is the Staff prepared to move forward
20 with this matter this morning?

21 **MS. STARKS:** Yes, Your Honor.

22 **JUDGE FREY:** Thank you, Ms. Starks. You may proceed.

1 **MS. STARKS:** Your Honor, Commission Staff is prepared to prove through both
2 documentary and testimonial evidence that the carrier cited in this docket, Adair
3 Movers LLC, violated Louisiana Revised Statute 45:161 through 180.1 by
4 engaging in activities related to moving household goods prior to complying with
5 the requirements of Louisiana Revised Statute 45:164(E) and General Order dated
6 March 16, 2021 and for the failure to comply with the requirements of General
7 Order dated April 3, 2008 as amended. Your Honor, as a result of that violation, at
8 the conclusion of this hearing, Staff is going to request that the carrier be found
9 guilty of all violations, and that a fine be assessed to the carrier as well as a \$25
10 citation fee. Your Honor, at this time, we call our first witness, Ms. Tammy Burl.

11 **Tammy Burl came forth as a witness; and, after having been duly sworn,**
12 **testified as follows:**

13 **DIRECT EXAMINATION BY MS. TANIKA STARKS**

14 **MS. STARKS:** Good morning, Ms. Burl.

15 **MS. TAMMY BURL:** Good morning.

16 **MS. STARKS:** Can you state your name and business address for the record?

17 **MS. BURL:** Tammy Burl, 602 North 5th Street, Baton Rouge, Louisiana 70802.

18 **MS. STARKS:** And where are you employed, Ms. Burl?

19 **MS. BURL:** The Louisiana Public Service Commission, Transportation Division.

20 **MS. STARKS:** And what is your job title at the Louisiana Public Service
21 Commission?

22 **MS. BURL:** I am the Transportation Administrator.

1 **MS. STARKS:** And what are some of those duties as the Transportation
2 Administrator?

3 **MS. BURL:** I oversee the day-to-day operations of the division, which includes
4 filings of insurance, registration of motor carriers, investigations, complaints,
5 annual reports.

6 **MS. STARKS:** Okay. And regarding complaints, who do you usually receive the
7 complaints from and for what reasons?

8 **MS. BURL:** Typically we receive complaints either from consumers that have
9 filed a complaint. Sometimes we receive complaints from other regulated motor
10 carriers about the industry, so we get various complaints from different people.

11 **MS. STARKS:** Okay. And is it your duty to review those complaints when they
12 come in?

13 **MS. BURL:** Yes. I review them, but typically I will pass them over to a Staff
14 member to start the initial investigation.

15 **MS. STARKS:** Okay. And are you familiar with Louisiana Revised Statute Title
16 45?

17 **MS. BURL:** Yes.

18 **MS. STARKS:** And does that Title authorizes the Commission to regulate and
19 create and enforce rules upon common carriers of household goods?

20 **MS. BURL:** Yes.

21 **MS. STARKS:** And does that section also require intrastate household goods
22 movers to apply for and secure a common carrier certificate with the LPSC?

23 **MS. BURL:** Yes.

1 **MS. STARKS:** And has the Commission adopted any rules regarding household
2 good carriers?

3 **MS. BURL:** Yes.

4 **MS. STARKS:** And can you give us a brief overview of those?

5 **MS. STARKS:** There's several general orders that --

6 **MS. BURL:** In relation -- I'm sorry, in relation to this docket.

7 **MS. BURL:** In -- to this docket?

8 **MS. STARKS:** Yes, ma'am.

9 **MS. BURL:** So there are several general orders that have been issued in regards
10 to moving companies, and I'm sorry, I don't have the order in front of me, but I
11 believe the one that we're referring to is going to be the March 16, 2021 Order,
12 which is the last order issued by this Commission in regards to household good
13 carriers being registered with the Commission.

14 **MS. STARKS:** Okay. And are you familiar with the company Adair Movers LLC?

15 **MS. BURL:** Yes.

16 **MS. STARKS:** And how did you become familiar with this company?

17 **MS. BURL:** This company, we actually received a complaint and an investigation
18 in regards to this. And forgive me if I'm not stating it correctly, but I believe that
19 it was -- Agent Geter had received a tip or information that this company was
20 advertising as a household good mover and she started the investigation and I
21 assisted her in that investigation.

22 **MS. STARKS:** And for the record, who is Agent Geter?

1 **MS. BURL:** Agent Geter is the previous enforcement agent that worked all the
2 complaints at the Commission prior to her retirement in September of 2022.

3 **MS. STARKS:** Okay. And so she would have gotten that information regarding
4 the complaint, correct?

5 **MS. BURL:** Correct.

6 **MS. STARKS:** Okay. Can you turn your attention to what has been previously
7 labeled as Staff Exhibit 1, in globo?

8 **MS. BURL:** Yes.

9 **MS. STARKS:** Can you tell the court what this document is?

10 **MS. BURL:** Yes. These are documents that Agent Geter had given to me that
11 showed her investigation, it's some of the documents that she used for her
12 investigation. So the first page is the Secretary of State printout that shows Adair's
13 Movers LLC was registered with the Louisiana Secretary of State's Office. The
14 next page is a copy of their Yelp ad that they claimed to be a mover. That was one
15 of the websites that she had investigated. The next page is an updated Yelp printout
16 where it shows that this Yelp ad was updated two months prior and it was printed
17 on August 8, '22. And then the following page is a continuation of that Yelp page,
18 that was five pages long. And then she also reviewed their Facebook ad where
19 they were advertising under Facebook and that was a -- it's marked as a seven page
20 document but because Facebook printouts are pretty long, we only used the first
21 three pages that were relevant to this moving company.

22 **MS. STARKS:** Okay. And let's go back to the first page, which I believe you
23 indicated was the Secretary of State documents, correct?

1 **MS. BURL:** Yes.

2 **MS. STARKS:** Does this document include the name of the company that was
3 complained about?

4 **MS. BURL:** Yes. The business name is Adair Movers LLC.

5 **MS. STARKS:** Okay. What about an address?

6 **MS. BURL:** They have a domicile address at 115 South Upland Avenue in
7 Metairie, Louisiana and then a 2029 Dylan Drive, Slidell address as the mailing
8 address.

9 **MS. STARKS:** Okay. And does it have a person as the registered agent or officer?

10 **MS. BURL:** They listed their registered agent as the United States Corporation
11 Agents, Inc. and the officer of the company as Herman Bernard Adair, IV.

12 **MS. STARKS:** Okay. And if you look at the top left of the page, what does those
13 numbers indicate to you?

14 **MS. BURL:** The date and time in which this printout was printed, that would be
15 January 5, 2022 at 2:44 P.M.

16 **MS. STARKS:** Okay. And how do we know that this is a printout from the
17 Secretary of State's office?

18 **MS. BURL:** I go to their website and print these very often. We do use these
19 printouts. It also has their web address at the bottom and shows that it's Page 1 of
20 1.

21 **MS. STARKS:** Okay. Does it have a seal as well?

22 **MS. BURL:** It has the Secretary of State's seal at the top, their logo and seal.

1 **MS. STARKS:** Okay. Thank you. And let's turn to the second page of this
2 exhibit. You did reference that the Yelp page was claimed, correct?

3 **MS. BURL:** Yes.

4 **MS. STARKS:** Does the Yelp page also list -- have a list of services offered by
5 this company?

6 **MS. BURL:** Yes, it does, midway down the page.

7 **MS. STARKS:** And what does that include?

8 **MS. BURL:** Commercial services, furniture moving, large and heavy items
9 moving, long-distance moving, furniture assembly, international relocation, local
10 moving, packing, unpacking, and crating.

11 **MS. STARKS:** Okay. And the numbers at the top on the left, does that also
12 indicate when it was printed?

13 **MS. BURL:** Yes. January 26, '22 at 10:02 A.M.

14 **MS. STARKS:** Okay. And the next page, are the services offered about the same
15 as the previous page?

16 **MS. BURL:** Yes.

17 **MS. STARKS:** Okay. Are there also pictures with people under the photos and
18 video section of this page?

19 **MS. BURL:** Yes.

20 **MS. STARKS:** And on to that next page where it states about the business. Is
21 there a business owner listed here?

22 **MS. BURL:** Yes, it's listed as Herman A.

1 **MS. STARKS:** Okay. And are there locations -- is their location and hours listed
2 on this page as well?

3 **MS. BURL:** Yes, midway on the page.

4 **MS. STARKS:** Okay. Does this Yelp ad also include customer reviews?

5 **MS. BURL:** Yes.

6 **MS. STARKS:** And is that seen on the next page?

7 **MS. BURL:** Yes, ma'am.

8 **MS. STARKS:** Okay. And if you turn your attention to the next set of -- after the
9 Yelp page, do you have that?

10 **MS. BURL:** Yes.

11 **MS. STARKS:** Can you identify that for the court?

12 **MS. BURL:** Yes, this is their Facebook page.

13 **MS. STARKS:** Okay. And does it include the company's name as well?

14 **MS. BURL:** Yes. Adair Movers.

15 **MS. STARKS:** Okay. And what about an email address, phone number, a web
16 address?

17 **MS. BURL:** At the bottom, it indicates the Facebook web address. I guess their
18 tag is @adairmovers. It has an email address -- well, it has a website, a GoDaddy
19 website, a phone number, and an email address for contacting the company.

20 **MS. STARKS:** Okay. And are there also pictures indicating that these are
21 customers or showing off gear that reads Adair Movers?

22 **MS. BURL:** Yes.

1 **MS. STARKS:** And are there also reviews on this page as well? On the next page,
2 I'm sorry.

3 **MS. BURL:** Yes.

4 **MS. STARKS:** Okay. And according to the top right -- I mean left of this
5 document, when was it printed?

6 **MS. BURL:** January 26, 2022 at 10:01 A.M.

7 **MS. STARKS:** Okay. And would that be an indication of when the investigation
8 was started?

9 **MS. BURL:** Yes.

10 **MS. STARKS:** Okay. Your Honor, at this time, Staff desires to offer, file, and
11 introduce into evidence what has been labeled as Staff Exhibit 1, in globo, which
12 includes the Secretary of State documents for Adair Movers company -- Adair
13 Movers LLC as of January 25, 2022, along with its Yelp advertising page, as well
14 as its Facebook advertising page.

15 **JUDGE FREY:** Applicant's Exhibit 1, in globo, is admitted.

16 **MS. STARKS:** Thank you, Your Honor. And was that information used within
17 the investigation to determine if the company violated any rules of the
18 Commission?

19 **MS. BURL:** Yes.

20 **MS. STARKS:** And after reviewing that information, what was the determination?

21 **MS. BURL:** Agent Geter determined that Adair Movers LLC did not have an
22 LPSC number with the Public Service Commission.

23 **MS. STARKS:** Okay. And as a result, what did she do next?

1 **MS. BURL:** She sent a warning letter to the company indicating that they were
2 advertising without having authority from the Commission and that -- she gave
3 them instructions on how to register and gave them a deadline to do so.

4 **MS. STARKS:** Okay. Can you turn your attention to what has been previously
5 labeled as Staff Exhibit 2, in globo?

6 **MS. BURL:** Yes.

7 **MS. STARKS:** Is this the letter that you were referring to in your testimony, Ms.
8 Burl?

9 **MS. BURL:** Yes.

10 **MS. STARKS:** Okay. And what date is this letter dated for?

11 **MS. BURL:** January 26, 2022.

12 **MS. STARKS:** And does it have the company's address as listed in its Secretary
13 of State documents?

14 **MS. BURL:** Yes.

15 **MS. STARKS:** Is that the mailing address?

16 **MS. BURL:** Yes.

17 **MS. STARKS:** Okay. And did Ms. Geter give the company a deadline to submit
18 that application and the proper fees?

19 **MS. BURL:** Yes. February 28, 2022.

20 **MS. STARKS:** Okay. And did she provide a consequence if that didn't happen?

21 **MS. BURL:** Yes, that they would be cited.

22 **MS. STARKS:** Okay. And is this letter signed by Ms. Geter?

23 **MS. BURL:** Yes.

1 **MS. STARKS:** Okay. And to the best of your knowledge, how was this letter
2 sent to the --

3 **MS. BURL:** It was sent by email to the address that was on the website -- or the
4 Facebook page as well as US Postal Mail.

5 **MS. STARKS:** Okay. And for clarity, would that be for email,
6 adairmovers2@yahoo.com?

7 **MS. BURL:** Yes.

8 **MS. STARKS:** Okay. And to the best of your knowledge, was either the email or
9 the letter that was sent through mail sent back to the Commission for any reason?

10 **MS. BURL:** No.

11 **MS. STARKS:** Okay. And would that third page indicate the same?

12 **MS. BURL:** Yes.

13 **MS. STARKS:** Okay. And can you tell the court what that next page is?

14 **MS. BURL:** Yes. This is correspondence between Agent Geter and Mr. Adair
15 indicating that they had a conversation on February 22nd and that she has spoken to
16 her supervisor, myself, concerning a complaint that we had on file and informed
17 that he was stating that he was not going to continue to perform household good
18 moving. So basically, to sum it up, he was going to stop moving household goods
19 and he was willing to sign an affidavit as to such, so she gave him the details of
20 that affidavit and asked which he would prefer to do, to stop the moving or did he
21 plan to pursue getting authority with the Commission.

22 **MS. STARKS:** Okay. And did she send that to the same email as to the previous
23 letter that you testified to?

1 **MS. BURL:** Yes.

2 **MS. STARKS:** And to the best of your knowledge, was that email sent back as
3 undeliverable?

4 **MS. BURL:** It was not.

5 **MS. STARKS:** And would that second page indicate the same?

6 **MS. BURL:** Correct.

7 **MS. STARKS:** Okay. And what about the last page of this exhibit?

8 **MS. BURL:** This is another email sent to Mr. Adair, per another conversation that
9 she had. It appears that he had attempted to or was going to file a household good
10 application and that we had given him no later than March 30, 2022 to file that
11 application and we gave him an overnight address where he could submit the
12 application to the Commission. Or if he sent it by regular mail, we also gave him
13 our Post Office Box.

14 **MS. STARKS:** Okay. And to the best of your knowledge, was that email sent
15 back as undeliverable as any reason?

16 **MS. BURL:** To my knowledge, it was not.

17 **MS. STARKS:** Okay. Your Honor, at this time Staff desires to offer, file, and
18 introduce into evidence what has been labeled as Staff Exhibit 2, in globo, which is
19 correspondence from Ms. Derenda Geter to the Adair Movers LLC.

20 **JUDGE FREY:** Applicant's Exhibit 2, in globo, is admitted.

21 **MS. STARKS:** And Ms. Burl, to the best of your knowledge, did the company --

22 **JUDGE FREY:** I'm sorry, Staff's Exhibit 2, in globo, is admitted.

1 **MS. STARKS:** Thank you, Your Honor. To the best of your knowledge, did the
2 company respond in any way?

3 **MS. BURL:** Yes. They submitted an application to the Commission. I believe
4 that was submitted around April 5, 2022 to attempt to get authority from the Public
5 Service Commission.

6 **MS. STARKS:** Okay. It should be in the packet, it might be the last exhibit, Your
7 Honor.

8 **JUDGE FREY:** I have what looks like this.

9 **MS. STARKS:** Okay. Thank you. Ms. Burl, can you turn your attention -- it hasn't
10 been previously labeled, but it does, at the top of the page, indicate common carrier
11 of household goods application. Is this the application that you were referring to in
12 your testimony?

13 **MS. BURL:** Yes.

14 **MS. STARKS:** Okay. And who was it submitted by?

15 **MS. BURL:** It was submitted by and signed on Page 2 in front of a notary, Mr.
16 Herman Adair.

17 **MS. STARKS:** Okay. And was this application fully accepted by the
18 Transportation Division?

19 **MS. BURL:** Yes.

20 **MS. STARKS:** And did it result in Mr. Herman Adair or Adair Movers LLC
21 receiving a common carrier certificate?

22 **MS. BURL:** No.

23 **MS. STARKS:** And why was that?

1 **MS. BURL:** When the application was received, we, as standard practice, we
2 typically issue a compliance letter to meet all compliance filings, such as insurance,
3 tariffs, registration of vehicles, Secretary of State paperwork. So a compliance
4 letter was emailed to Mr. Adair to meet compliance and there were several emails
5 that went out. Mr. Adair never met compliance, and therefore this application was
6 returned as unprocessed for failure to comply with the requirements of the
7 application.

8 **MS. STARKS:** Okay. Your Honor, for housekeeping measures, in this specific
9 exhibit, the Social Security number isn't blacked out, but for the court reporter's
10 copy, it is.

11 **JUDGE FREY:** Thank you for that clarification, Ms. Starks.

12 **MS. STARKS:** Thank you, Your Honor. And Ms. Burl, when was this document
13 received by the Commission, according to the stamp at the top?

14 **MS. BURL:** April 5, 2022.

15 **MS. STARKS:** Okay. Your Honor, at this time Staff desires to offer, file, and
16 introduce into evidence the common carrier of household goods application for
17 Adair Movers as Staff Exhibit 3.

18 **JUDGE FREY:** Staff's Exhibit 3 is admitted.

19 **MS. STARKS:** Thank you. Ms. Burl, can you turn your attention to probably the
20 last set of documents that -- I believe. Okay. That's dated April 6, 2022; do you
21 have that?

22 **MS. BURL:** I have that.

23 **MS. STARKS:** Can you tell the court what these documents are?

1 **MS. BURL:** Yes. So this is the original first compliance letter sent to Adair
2 Movers LLC noting all of the compliance factors that were needed to issue the
3 common carrier certificate, that's a two page letter. Then it's also a copy of what
4 we consider a follow-up final compliance letter, indicating that they did not meet
5 the first deadline, therefore the remaining things that are still needed to issue the
6 common carrier certificate are listed, and it also gives a date for them to comply,
7 and that was also sent by email to the email address that we previously had spoke
8 of in the communications that Agent Geter had with Mr. Adair. And then the last
9 letter, which is also a two page letter, is where we returned the application for
10 failing to comply with the requirements to be issued a common carrier certificate.

11 **MS. STARKS:** Okay. Let's go back to the April 6, 2022 letter. The address on
12 this letter is different from the address that was on the Secretary of State documents
13 from Exhibit 1; is that correct?

14 **MS. BURL:** That's correct.

15 **MS. STARKS:** Where did this address come from?

16 **MS. BURL:** This is the mailing address that they put on their application as well
17 as the address that we reviewed on the Secretary of State's website.

18 **MS. STARKS:** Okay.

19 **MS. BURL:** As the mailing address for the company.

20 **MS. STARKS:** Was that an updated Secretary of State?

21 **MS. BURL:** Yes.

22 **MS. STARKS:** Okay. And regarding that first letter, when was -- was there a
23 deadline for that information to be submitted?

1 **MS. BURL:** Yes. The letter that was sent April 6, 2022 gave a deadline to submit
2 all of the requirements 30 days from the issuance of this letter, which would have
3 been May 6, 2022.

4 **MS. STARKS:** Okay. And who was this letter sent by?

5 **MS. BURL:** This letter was sent by Enforcement Agent Tanza Clark.

6 **MS. STARKS:** Okay. And does she work under you?

7 **MS. BURL:** Yes.

8 **MS. STARKS:** Okay. What about that second letter? Does that have a deadline
9 to submit those documents?

10 **MS. BURL:** Yes. That letter was sent June 29, 2022, and it gave a deadline of
11 July 29, 2022, and it was also signed by Enforcement Agent Tanza Clark.

12 **MS. STARKS:** Okay. And the letter dated August 4, 2022. Does it indicate a
13 deadline?

14 **MS. BURL:** No, it does not indicate a deadline. It is actually letting the company
15 know that attached to this letter was their application that they submitted being
16 returned since they did not meet all of the compliance components required, we'd
17 listed those once again. The letter also let them know that the application was being
18 returned for noncompliance and that their stamps and application fees had been
19 forfeited, and that if they wanted to gain authority, they'd be required to resubmit
20 the paperwork and the required filings, along with the \$200 application fee and the
21 \$10 per vehicle stamp fee, and obtain their LPSC authority. Or if they did not do
22 that, they would need to cease all operations as a household good mover, remove

1 all Facebook pages and website advertising, and that they could contact myself if
2 they had any questions.

3 **MS. STARKS:** And is that -- those Facebook pages and the websites, does that
4 indicate advertising?

5 **MS. BURL:** Yes.

6 **MS. STARKS:** And does the Commission have a rule regarding advertising with
7 household good movers?

8 **MS. BURL:** Yes, that is the April 3, 2008 General Order.

9 **MS. STARKS:** And what is that rule?

10 **MS. BURL:** That order indicates that if a mover is advertising, they must include
11 their LPSC Number in any and all advertising, invoices, or estimates that are issued
12 by the -- that are created by the company.

13 **MS. STARKS:** So that would indicate that if they don't have an LPSC number,
14 they can't advertise?

15 **MS. BURL:** Correct.

16 **MS. STARKS:** Okay. Or shouldn't be performing household good moves?

17 **MS. BURL:** Correct. And that would go back to the General Order of March 16,
18 2021 of not having authority.

19 **MS. STARKS:** Would that also coincide with Louisiana Revised Statute Title 45?

20 **MS. BURL:** Yes.

21 **MS. STARKS:** Okay. Your Honor, Staff desires to offer, file, and introduce into
22 evidence what has -- I guess its Staff 4, in globo, which is the correspondence
23 between Ms. Tanza Clark and Adair Movers LLC.

1 **JUDGE FREY:** All right. Staff's Exhibit 4, correspondence from Ms. Tanza
2 Clark dated April 6, 2022, June 9, 2022, an email of June 29, 2022, and August 4,
3 2022 is admitted.

4 **MS. STARKS:** Thank you. And Ms. Burl, after not receiving the compliance
5 documents from the company, what did Staff do next?

6 **MS. BURL:** Agent Geter was informed that the application was returned. She
7 then went back and reviewed their Facebook page, website page, Yelp page. They
8 were all still active, so she turned them over to me for a citation.

9 **MS. STARKS:** Okay. And once you compiled all of that information, what was
10 your determination?

11 **MS. BURL:** I determined that they were still advertising without having LPSC
12 authority and that that was a violation of the Commission's rules and issued a
13 citation.

14 **MS. STARKS:** Okay. Can you turn your attention to what was previously labeled
15 as Staff Exhibit 3, in globo, which will now be Staff Exhibit 5, in globo? Can you
16 tell the court what these documents are?

17 **MS. BURL:** Yes. This is a citation issued to Adair Movers LLC on August 18,
18 2022. Attached to that was the updated Secretary of State website, as well as the
19 letters of January 26th, the email of January 26, 2022, the confirmation of delivery
20 of the email, the updated -- apologies. The first one was the original Secretary of
21 State, the updated Secretary of State, a copy of their personal webpage,
22 adairmovers.net, a copy of their adairmovers.net service and pricing page, and that
23 was it.

1 **MS. STARKS:** Okay. And does the citation indicate what the violation was?

2 **MS. BURL:** The violation of Title 45:161 through 180.1 by engaging in activities
3 related to moving household goods prior to complying with the requirements of
4 Title 45:164(E) and the General Order dated March 16, 2021 and for failure to
5 comply with the requirements of General Order dated April 3, 2008 as amended.

6 **MS. STARKS:** Okay. And the address listed as 3000 Tulane Avenue, Apartment
7 455, New Orleans, Louisiana 70119, was that the same address that can be seen
8 and that you testified to that's on the updated Secretary of State documents that is
9 attached to this citation?

10 **MS. BURL:** Yes.

11 **MS. STARKS:** Okay. And is that considered, according to their Secretary of State
12 documents, as their mailing address?

13 **MS. BURL:** Yes.

14 **MS. STARKS:** Okay. And did anything else change from that Secretary of State
15 document, other than the address?

16 **MS. BURL:** From the first printout of the Secretary of State, the only thing that I
17 can see that changed is they filed is their Secretary of State annual report. The last
18 report filed on the original Secretary of State paperwork was 11/14/2020, and then
19 the updated one was a report filed March 22, 2022.

20 **MS. STARKS:** So you could assume that that would be their most current
21 information?

22 **MS. BURL:** Correct. Yes, ma'am.

1 **MS. STARKS:** Okay. And does the citation provide a date, time, location of the
2 hearing for the citation?

3 **MS. BURL:** Yes. It was to be held Thursday, November 3, 2022 at 9:30 A.M.
4 here at the Public Service Commission, Galvez Building.

5 **MS. STARKS:** Okay. And was this citation published in the Commission's
6 Bulletin?

7 **MS. BURL:** Yes, on August 19, 2022.

8 **MS. STARKS:** And was the citation signed by you?

9 **MS. BURL:** Yes.

10 **MS. STARKS:** Okay. And is that your signature on the second page?

11 **MS. BURL:** Yes, it is.

12 **MS. STARKS:** Okay. Your Honor, at this time Staff desires to offer, file, and
13 introduce into evidence what is now Staff Exhibit 5, in globo, the citation issued to
14 Adair Movers LLC.

15 **JUDGE FREY:** Staff's Exhibit 5, in globo, the citation with attachments, is
16 admitted. And if I did not specify that Exhibit 4 was in globo, it is an in globo
17 exhibit.

18 **MS. STARKS:** Thank you. Ms. Burl, how was this citation sent to Adair Movers
19 LLC?

20 **MS. BURL:** It was sent by certified mail.

21 **MS. STARKS:** Okay. And to the best of your knowledge, was that delivered?

22 **MS. BURL:** Yes.

1 **MS. STARKS:** And did you have any contact with anyone from the company
2 afterwards?

3 **MS. BURL:** Yes. After this was issued, Mr. Adair, getting very close to the
4 hearing date, I want to say it was somewhere around the 1st or the 2nd, Mr. Adair
5 contacted me and asked if we could continue the hearing, that he wanted to be able
6 to have the opportunity to be able to work something out with Staff and apply for
7 authority to get his moving LPSC common carrier certificate.

8 **MS. STARKS:** Okay. And did that happen?

9 **MS. BURL:** Yes. We had requested that the hearing be moved to today, May 4,
10 2023.

11 **MS. STARKS:** Okay. Can you turn your attention to the next set of documents?
12 What is that?

13 **MS. BURL:** That is a copy of the notice for the continuation that was granted in
14 this matter to today, with a notation on the bottom from me, along with a copy of
15 the citation that was originally mailed.

16 **MS. STARKS:** Okay. And the continuance was granted, correct?

17 **MS. BURL:** Yes, by Judge Frey.

18 **MS. STARKS:** Okay. And was this document -- is this a copy of the document
19 that was sent to the carrier?

20 **MS. BURL:** Yes.

21 **MS. STARKS:** Okay. And what does it include?

22 **MS. BURL:** It includes a copy of the citation that was originally mailed to the
23 company back in August of 2022.

1 **MS. STARKS:** Okay. And is there anything that's different regarding the
2 attachment from the original citation? Is there anything different within the
3 citation?

4 **MS. BURL:** I don't think so, no.

5 **MS. STARKS:** Okay.

6 **MS. STARKS:** Everything is the same

7 **MS. STARKS:** And that notation that you testified to, what is that regarding?

8 **MS. BURL:** On the bottom of this citation, I made the notation that it was sent by
9 FedEx tracking and I indicated a tracking number and it was sent on April 25, 2023.
10

11 **MS. STARKS:** Okay. And is that your initials at the bottom as well?

12 **MS. BURL:** Yes.

13 **MS. STARKS:** Okay. Your Honor, at this time, Staff offer, files, and introduce
14 into evidence what is now Exhibit 6, in globo, which is the ruling on the motion to
15 continue and notice of rescheduled hearing, with the notation at the bottom by Ms.
16 Tammy Burl, sent to the carrier in this docket.

17 **JUDGE FREY:** Staff's Exhibit 6, in globo, a copy of the ruling on motion to
18 continue and notice of rescheduled hearing date with the original attached citation,
19 is admitted.

20 **MS. STARKS:** Thank you. And Ms. Burl, you testified that that document was
21 sent via FedEx?

22 **MS. BURL:** Correct.

1 **MS. STARKS:** Did you receive anything back from FedEx regarding delivery of
2 that document?

3 **MS. BURL:** Yes, I received delivery notification.

4 **MS. STARKS:** Okay. Can you turn your attention to the next set of exhibits, the
5 next set of documents?

6 **MS. BURL:** Yes.

7 **MS. STARKS:** Can you tell the court what that is?

8 **MS. BURL:** Yes. This is a FedEx printout of the delivery receipt showing that it
9 was delivered by A. Herman and a signature on the bottom.

10 **MS. STARKS:** Okay. Does it have the -- does it indicate that the package was
11 delivered to the address on the citation?

12 **MS. BURL:** Yes. 300 Tulane Avenue 529 in New Orleans.

13 **MS. STARKS:** Is it 300 or 3000?

14 **MS. BURL:** 3000, sorry.

15 **MS. STARKS:** Thank you. And you did indicate that there was as signature,
16 correct?

17 **MS. BURL:** Yes, at the bottom of the page.

18 **MS. STARKS:** Okay. And what are the corresponding pages to this?

19 **MS. BURL:** That is the detailed tracking showing its movement through the FedEx
20 tracking system up until it was delivered and signed.

21 **MS. STARKS:** Okay. And does that tracking number on that first page ending in
22 8093, is that the same tracking number that you indicated at the bottom of that
23 notice of rescheduled hearing document?

1 **MS. BURL:** Yes.

2 **MS. STARKS:** Okay. And I'm not sure if you answered to this, but when was it
3 delivered, according to this document?

4 **MS. BURL:** It was delivered on April 26, 2023.

5 **MS. STARKS:** Okay. Thank you. Your Honor, at this time, Staff desires to offer,
6 file, and introduce into evidence what was previously labeled as Staff Exhibit 5,
7 but what is now Staff 7, which is the FedEx tracking information corresponding to
8 the ruling on motion to continue and notice of rescheduled hearing, along with the
9 original citation sent to the carrier in this docket.

10 **JUDGE FREY:** Staff Exhibit 7 is admitted.

11 **MS. STARKS:** Thank you. Ms. Burl, are you aware of any other websites or
12 updated Facebook or Yelp pages that the carrier in this docket has?

13 **MS. BURL:** Yes. Leading up to preparing for the hearing today, I went back to
14 check all the websites that we had previously looked at to see if they were still
15 active. The adairmovers.net email was no longer active, which is the very first --
16 not email, I'm sorry, website was one of the first websites that we had reviewed
17 was no longer active. However, they created a new website, which was adair-
18 movers.business.site as well as checking their Facebook page, which had recent
19 activity since the last printout investigation back in early 2022.

20 **MS. STARKS:** Okay. Can you turn your attention to the last set of documents?
21 Are these the printouts of the webpages that you just testified to?

22 **MS. BURL:** Yes.

23 **MS. STARKS:** Okay. Can you go through the first set of documents for us?

1 **MS. BURL:** So this is the Adair Movers website, this is their first page. The
2 second page is a copy of a photo with Adair Movers at the top. And then the
3 third page is their directions to their address, I'm assuming, their phone number, as
4 well as their business hours, with a map of their location.

5 **MS. STARKS:** Okay.

6 **MS. BURL:** And then the second document is their Facebook page, which still
7 shows Adair Movers, the adairmovers2@yahoo.com. And when I reviewed that
8 page, there were entries in December of 2022. One was a video and then there was
9 the Adair Movers posting a advertisement: Looking for a moving company that
10 has excellent service, fast a friendly Adair Movers, with a phone number and their
11 tag. And then that was a second post, again, on December 16, 2022 with the same
12 ad.

13 **MS. STARKS:** Okay. And would you say that the, I guess, their logo matches on
14 both of these webpages?

15 **MS. BURL:** Yes.

16 **MS. STARKS:** And what about the dates at the top?

17 **MS. BURL:** The first, their website was reviewed and printed on April 28, 2023,
18 and their Facebook page was reviewed and printed this morning, 5/4/2023 at 7:50
19 A.M.

20 **MS. STARKS:** Okay. And are these pictures similar to the ones that are on the
21 Yelp page and their previous website page?

22 **MS. BURL:** Yes. And I did review their Yelp page again and it was still active,
23 it just didn't have anything changed from the previous printouts.

1 **MS. STARKS:** Okay. Your Honor, at this time, Staff desires to offer, file, and
2 introduce into evidence what was previously labeled as Staff Exhibit 6, which is
3 now Staff Exhibit 8, in globo, which is a printout of the Adair Movers website, as
4 well as Adair Movers' Facebook page.

5 **JUDGE FREY:** Okay. Ms. Starks, I don't think I have what you're referring to
6 as a Facebook page printout.

7 **MS. STARKS:** Facebook page?

8 **JUDGE FREY:** Do you have another copy of that?

9 **MS. STARKS:** Yes, Your Honor. Permission to approach?

10 **JUDGE FREY:** Yes, ma'am. Thank you, Ms. Starks. Staff Exhibit 8, in globo,
11 printouts from Adair Movers, adair-movers.business.site, and Adair Movers'
12 Facebook is admitted.

13 **MS. STARKS:** Thank you. Ms. Burl, has any representative from Adair Movers
14 attempted to contact you or the Transportation Division after the issuance of the
15 notice of rescheduled hearing?

16 **MS. BURL:** No.

17 **MS. STARKS:** What about after you received the FedEx delivery notification?

18 **MS. BURL:** No. I had also emailed a copy of the rescheduled hearing and citation
19 and tried to reach out to Mr. Adair since we had continued this matter before and
20 he was working with us previously. I also tried to call him, but I got no response.

21 **MS. STARKS:** Okay. And to that regard, what is Staff seeking in this docket?

22 **MS. BURL:** Staff is seeking that the carrier be found guilty of violating the
23 Revised Statute 45:161 through 180.1 by engaging in those activities related to
24

1 moving household goods prior to complying with 45:164(E) and the General Order
2 dated March 16, 2021 and General Order dated April 3, 2008. And that they be
3 assessed a fine in the amount of \$1,000 and a \$25 citation fee.

4 **MS. STARKS:** Okay. Your Honor, I have no further questions.

5 **JUDGE FREY:** Ms. Burl, what is the basis for the fine amount of \$1,000
6 requested by the Staff?

7 **MS. BURL:** In this case, Your Honor, Staff reached out to the carrier. The carrier
8 was wanting to work with the Commission, multiple attempts. We feel that he only
9 filed the application to satisfy not being cited, and that based on his knowledge of
10 needing to have authority but continuing to advertise and offer moving services,
11 even after the citation was issued, would warrant a fine in the amount of \$1,000.
12 And I note that has been a fine that has been assessed in the past.

13 **JUDGE FREY:** Do you have any specific references to past \$1,000 citations?

14 **MS. BURL:** I do not off the top of my head.

15 **JUDGE FREY:** All right. I do have a few more questions, Ms. Burl. Do you
16 have what has been admitted as Staff's Exhibit 7 in front of you?

17 **MS. BURL:** Yes.

18 **JUDGE FREY:** You indicated that there was a signature on the tracking block.
19 What does it appear that the letters in the signature capture block?

20 **MS. BURL:** It appears to be Herman A.

21 **JUDGE FREY:** Okay.

22 **MS. BURL:** Or F.

1 **JUDGE FREY:** Does the FedEx tracking indicate that there was a recipient and
2 what is that recipient?

3 **MS. BURL:** The recipient was Herman Adair, Adair Movers LLC.

4 **JUDGE FREY:** Okay. Do you have what has been marked as and admitted as
5 Staff Exhibit 6, in globo, in front of you?

6 **MS. BURL:** Yes.

7 **JUDGE FREY:** Does the in re in the notice on the ruling on motion match the in
8 re that is on the citation?

9 **MS. BURL:** It does not.

10 **JUDGE FREY:** All right. But the citation was attached to this notice and sent to
11 the carrier; is that correct?

12 **MS. BURL:** Yes.

13 **JUDGE FREY:** May I please refer you to Staff Exhibit 5, in globo.

14 **MS. BURL:** Yes.

15 **JUDGE FREY:** You referenced updated Secretary of State documents. What is
16 the date on what you're referring to as updated, for the Secretary of State
17 documents?

18 **MS. BURL:** 8/17/2022.

19 **JUDGE FREY:** And you also referenced updated website printouts. What is the
20 date of the website printouts that are part of that exhibit?

21 **MS. BURL:** 8/17/22 is the adairmovers.net website that was printed.

22 **JUDGE FREY:** Thank you. And -- sorry, did you have additional testimony?

1 **MS. BURL:** The second document, which was the adairmovers.net, which was
2 the service policy, it also was dated August 17, 2022.

3 **JUDGE FREY:** Thank you, Ms. Burl. Earlier in your testimony, in reference to
4 the Yelp page, you indicated that the Yelp page was claimed. Could you explain
5 what that means?

6 **MS. BURL:** So during our investigations and our research, while we're investing
7 these ads that we find, I will go in and find out what claimed means. So when Yelp
8 grabs a company's information and puts in on the website, typically it is not
9 claimed. It gives the person that is actually that company the opportunity to claim
10 it. Once they've claimed the website, it changes from unclaimed to claimed, and
11 then that's when information is then update -- they can update it and edit it as they
12 would like to. So this Yelp page shows that it was claimed right underneath the
13 company's name. There's three stars and then it's noted that it's claimed. And on
14 the second page that was printed out on August 8, 2022, during the process of
15 issuing this citation, it's still marked that it was claimed and that it had been updated
16 two months prior to this printing.

17 **JUDGE FREY:** Okay. You mentioned that Ms. Geter either received a complaint
18 or a tip. Do you know which it was, Ms. Burl?

19 **MS. BURL:** My recollection, it was just someone indicating, and I do not know
20 who it is because it was not an email, but someone had purportedly called her to
21 say that they saw their advertising, and I'm going to assume that was another
22 regulated entity.

1 **JUDGE FREY:** Regardless of whether it was a complaint or tip, is Staff's
2 investigation into the matter the same?

3 **MS. BURL:** Yes

4 **JUDGE FREY:** Let me go through my notes, make sure I've asked all the
5 questions that I had in mind. Ms. Burl, with regard to the remedy Staff is seeking
6 in this matter, you referenced the fact that they were advertising and had continued
7 to do so. Can I reference to you to what was admitted as Staff's Exhibit 4, in globo,
8 and the correspondence dated August 4, 2022?

9 **MS. BURL:** Yes.

10 **JUDGE FREY:** And on the last page. Does it ask them to submit an application
11 or cease operations a household good mover?

12 **MS. BURL:** Yes.

13 **JUDGE FREY:** So during the course of the investigation, was Adair Movers ever
14 told that they had to cease operations, then seek authority? What is the Staff's
15 position on that?

16 **MS. BURL:** I'm sorry. Can you say that again?

17 **JUDGE FREY:** So I'm asking -- the Staff was aware through the course of the
18 investigation that they were holding themselves out or appeared to hold themselves
19 out, is Staff's position they were holding themselves out as a household goods
20 mover without authority; is that correct?

21 **MS. BURL:** Yes.

22 **JUDGE FREY:** Was there ever any cease and desist issued advising them to cease
23 operations prior to receiving authority or seek authority or cease operations?

1 **MS. BURL:** Other than conversations that Agent Geter had, I don't believe it was
2 in her initial letter.

3 **JUDGE FREY:** Okay. And with regard to what Staff's seeking today, is -- Staff
4 is seeking that they be found guilty and that they be fined \$1,000, and pay a citation
5 fee; is that correct.

6 **MS. BURL:** That's correct.

7 **JUDGE FREY:** All right. I have no further questions. Do you have any redirect,
8 Ms. Starks?

9 **REDIRECT EXAMINATION BY MS. TANIKA STARKS**

10 **MS. STARKS:** Yes, Your Honor. Just one question.

11 **JUDGE FREY:** Thank you.

12 **MS. STARKS:** Ms. Burl, when a carrier is given a warning letter, are they -- does
13 Staff suggest -- or require them to cease operations before getting that common
14 carrier certificate?

15 **MS. BURL:** We -- the first sentence of the letter that we give them says that
16 pursuant to 45E, no motor carrier shall operate as a common carrier without having
17 first obtained from the Commission a certificate. So with that statement, Staff feels
18 like that tells them they don't have a certificate, so therefore they should not be
19 operating or advertising.

20 **MS. STARKS:** Okay. So it's implied that they should cease operations and apply,
21 or just cease operations?

22 **MS. BURL:** Correct.

1 **MS. STARKS:** Okay. And does it offer a consequence if they do neither or
2 continue to operate without that authority?

3 **MS. BURL:** Yes. The consequence would be to issue a citation.

4 **MS. STARKS:** Okay. No further questions, Your Honor.

5 **JUDGE FREY:** All right. Thank you, Ms. Starks. I have nothing further. You
6 can step down, Ms. Burl. Ms. Starks.

7 **MS. STARKS:** Yes, Your Honor. In closing, Staff submits that it has borne its
8 burden of proving through both documentary and testimonial evidence that the
9 company cited in this matter, Adair Movers LLC, violated Louisiana Revised
10 Statute 45:161 through 1801.1 by engaging in activities related to moving
11 household goods prior to complying with requirements of Louisiana Revised
12 Statute 45:164(E) and General Order dated March 16, 2021 and for failure to
13 comply with the requirements of General Order dated April 3, 2008 as amended.
14 As Ms. Burl indicated, the company has been advertising with their Facebook
15 pages, Yelp pages, website pages. They've been in contact with the Commission
16 regarding that advertising without having that LPSC authorization. They attempted
17 to remedy it and then they went black on us with no communication at all. And as
18 in that regard, Your Honor, Staff is going to seek that the company be found guilty
19 of all those violations as well as a \$1,000 fine be assessed as well as a citation fee
20 of \$500 be assessed to the company -- \$25, I'm sorry.

21 **JUDGE FREY:** And what is Staff's position with regard to the advertising that
22 you discovered is being done or alleges being done.

23 **MS. STARKS:** I'm sorry, Your Honor, what -- can you restate your question?

1 **JUDGE FREY:** Does Staff have any position with regard to the advertising that
2 Staff alleges is out there on the internet [INAUDIBLE].

3 **MS. STARKS:** Oh, Your Honor, we would request that they be ordered to remove
4 all advertising, up until such they receive a common carrier certificate from the
5 Louisiana Public Service Commission.

6 **JUDGE FREY:** All right. Thank you, Ms. Starks. Is there anything further from
7 the Staff in this matter?

8 **MS. STARKS:** No, Your Honor.

9 **JUDGE FREY:** All right. Thank you. If there is nothing further, this matter is
10 adjourned.

11

12

13 **(WHEREUPON, THE HEARING WAS ADJOURNED)**

1 I hereby certify that the foregoing pages 1 through 33 are true and correct to the best
2 of my knowledge of the Hearing held on May 4, 2023 in Baton Rouge, Louisiana.
3

4 **Rough Draft by:**

5 Kayla Fiorenza

6 **Kayla Fiorenza,**
7 **Court Reporter**

May 4, 2023

Date

8 **Proofed by:**

9 Kathy Dykes

10 **Kathy Dykes,**
11 **Court Reporter**

May 16, 2023

Date

12 **Finalized by:**

13 Kayla Fiorenza

14 **Kayla Fiorenza,**
15 **Court Reporter**

May 17, 2023

Date