

The Communicator

T H E C A L I F O R N I A M O V I N G & S T O R A G E A S S O C I A T I O N

Brown Files to Support Federal Clean Air Standards

OAKLAND - Attorney General Edmund G. Brown Jr. announced today that he has asked to intervene in a lawsuit in order to protect newly adopted motor vehicle emission standards that would save nearly two billion barrels of oil and reduce greenhouse gas emissions by approximately one billion tons.

Brown filed a motion to intervene in the U.S. Court of Appeals in support of the federal Environmental Protection Agency (EPA) in a suit brought by energy companies and other industries challenging the EPA's authority to enforce the tough emission standards beginning in 2012.

"The thousands of barrels of oil spilling in the Gulf of Mexico each day are a graphic reminder that we need to cut oil consumption in America," said Brown. "These regulations would do that, as well as vastly reducing pollution from tailpipe emissions."

The EPA's new vehicle emissions standards are the first significant reduction in federal fuel consumption standards in more than 30 years. Over the lifetime of the vehicles sold in the first five years, the national program is projected to reduce U.S. greenhouse gas emissions by 2.1 billion tons and save 1.8 billion barrels of oil. Consumers can expect the new standards to save them between \$130 and \$180 a year in fuel costs.

EPA estimates the lifetime savings under the program for 2012 through 2016 model-year vehicles at \$240 billion. The benefits include fuel savings, carbon dioxide reductions, improved air quality, and enhanced energy security.

California has long set the pace in enacting tough pollution standards, and it has been active in attempting to protect its right to impose

those standards and in encouraging other states and the federal government to adopt similar standards.

In *Massachusetts v. EPA*, 549 U.S. 497 (2007), the Supreme Court ruled that the greenhouse gases that cause global warming are air pollutants under the Clean Air Act and that EPA's evaluation of whether those emissions from motor vehicles endanger public health or welfare had to be based solely on science. Brown's office took a lead role in that case.

EPA has now made that endangerment finding. As the Supreme Court noted, such a finding triggers a mandatory duty on EPA to adopt motor vehicle regulations. EPA adopted those regulations on April 1 in a joint rulemaking with the National Highway Traffic Safety Administration. Those regulations set greenhouse gas emission standards and fuel economy standards that will achieve a fleet-wide fuel economy for new cars and trucks of roughly 35 miles per gallon in model year 2016.

These motor vehicle regulations are the rough equivalent of California's regulations. As part of a nationwide deal announced at the White House in May 2009, California agreed that compliance with national standards of equivalent stringency would also constitute compliance with California's established regulations, and the automobile manufacturing industry agreed not to challenge those standards (through model year 2016). If these EPA vehicle standards were successfully challenged, that nationwide deal would fall apart.

Brown's filing today is in a lawsuit challenging the motor vehicle rule brought by industrial concerns plus politicians and other opponents

(Brown Files continued on page 7)

Chairman's Corner

By: Brian Larson



The busy summer moving season appears to have finally arrived here in California. In the midst of a busy season and trying to provide a quality moving service to our customers, it is important that we provide the correct documentation and services required per the CPUC regulations. In order to help ensure that we are in compliance with the CPUC regulations, some reminders are listed below.

The specific government rules, regulations and rate limitations for household goods movers within California are provided in the CPUC Max 4 Tariff.

A carrier or carrier's sub-contractor engaged in household moving services transported within California must have a valid CPUC license number (Cal T number).

A written estimate is binding on a carrier. All written estimates must be based on a visual survey of the goods and must show the total

estimated charges. The amount of the written estimate is the basis for the Not to Exceed Price.

A carrier must inform the customer of the Not to Exceed Price prior to the start of the move and also must issue the "Not to Exceed-Item 465 Important Notice About Your Move" document with the Not to Exceed amount listed prior to the start of the move. The customer must be given the CPUC booklet entitled "Important Information for Persons Moving Household Goods (within California)" at the first in person contact or by mail (time allowing) if no in person contact is made before the move day. You must obtain the customer's signature on the Receipt for Information located in the CPUC booklet and the customer's initial on the Agreement for Service indicating they have received the booklet. Failure to do this will result in your customer being eligible for a \$100 refund from the carrier.

An Agreement for Moving Services from the carrier must be issued with the Not to

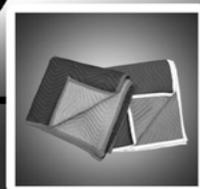
(Chairman's Corner cont. on page 19)



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President’s Comments

By: Steve Weitekamp



Bring on the heat! The moving industry has always celebrated summer, a time when traditionally business is plentiful and CMSA members can focus on what they do best: providing quality service to the moving public. It has been a couple of years since the industry nationwide has seen a traditional summer season with van line capacity blackout days and other operational challenges. The good news is that so far in June, as reported by our members and industry partners; there has been a greater volume than many have seen for quite a while. CMSA is taking more calls from consumers in search of a quality mover and we are pleased to play a supporting role in the marketing of your business.

The California Air Resources Board (CARB) pending On-Road Diesel Truck Regulation continues to be a critical issue for our industry and the economy of California. Thanks to all members who submitted information related to the May 25th CARB data request. Member’s information submitted to CMSA was scrubbed, where appropriate, of identifying information (replaced with CMSA member numbers) and forwarded to CARB staff. Special thanks to Paul Wuerstle of the California Public Utilities Commission (CPUC). Paul and CPUC staff provided CMSA with a table of total gross revenue reported by California permitted carriers from 2006 through 2009 on a quarterly basis. The CPUC data which CMSA shared with CARB clearly supports our long held position that our industry has been heavily impacted by the recession and is in need of relief. A reasonable party would expect CARB to give serious consideration to data compiled by another state agency.

CMSA as a participant in the Ad Hoc Industry Working Group, a consortium of industry trade groups with the goal of positive impact on CARB regulations, has been engaged in a strategy to support a reasonable request that

(President’s Comments continued on page 7)



Thomas McCarthy of McCarthy Transfer & Storage in El Cajon, CA, stopped by to visit Ed Wong of Royal Hawaiian Movers during McCarthy's honeymoon in Hawaii. Congratulations to McCarthy on his recent marriage!

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Signs and Symptoms of Heat Stroke: What to Watch Out For, and How to Protect Yourself

Temperature and humidity levels are rising, and our bodies have cooling mechanisms—how do they work and what should we do if they can't keep up?

As warm-blooded mammals, we humans have an intricate temperature control system that constantly maintains our internal climate within about a five-degree range, even if there are wild fluctuations in the air around us. Many processes occur in concert to keep the body within this range—just above or below 36.8° C (98.2° F)—and these are collectively known as thermoregulation.

It is as if we have internal thermostats. When it's too hot, our bodies' air conditioners turn on—we sweat and we turn red as the blood comes to the surface of our skin to dispel heat. And when it's too cold, the heater kicks in—the blood moves to our core to limit its exposure to cold. As the air becomes extremely hot or cold around us, thermoregulatory processes work in overdrive; and sometimes they can't keep up. It's important to keep this in mind as we enter the extremely hot and humid conditions of summer. It is at these times that heat stroke can threaten our health and even life.

Clinically, there are two types of heat stroke. "Classic heat stroke" is common in the very young and very old and occurs when a heat wave descends on an area. "Exertional heat stroke" (EHS) affects otherwise healthy people who exert themselves to the extreme at work or play. To understand the differences between the two types of heat stroke and how they overlap, we must look closer at the mechanisms behind heat stroke in general.

Temperature within the human body must be kept below a maximum point, because when cells are exposed to extreme heat—above 41.1° C (106°F)—they literally start to fall apart. In the most extreme cases, heat causes the denaturing of proteins and the literal melting of structural elements among other breakdowns. All of these microscopic changes lead to cardiovascular collapse, general organ failure and ultimately death.

When ambient temperatures rise, the body handles it in a combination of ways. Radiation of heat—releasing heat into the air through the skin—is the main way the body rids itself of heat when temperatures are not extreme. However, when the temperature rises significantly outside, the most important way the body can release heat is through evaporation, better known as sweating.

To stay hydrated and produce sweat, it's good to drink at least 2.5 liters of water—that's one plus a fourth of the two-liter soda bottles you see at the store—per day. If you are an active, outdoor worker, add another two liters to that. Add even more if you are working intensely, but avoid drinking too much. Too much water can result in over-hydration, a condition where salt concentrations in the body are thrown out of balance.

Classic heat stroke tends to affect infants

(Heat Stroke continued on page 9)

Symptoms of heat exhaustion

- nausea
- vomiting
- fatigue
- weakness
- headache
- muscle cramps
- dizziness

Symptoms of heat stroke

- absence of sweating
- red or flushed skin
- shortness of breath
- rapid pulse
- hallucinations
- confusion
- agitation
- disorientation
- seizure

Albert Moving and Storage Hosts Sixth Annual 'Mover Skills Rodeo'

Wichita Falls, TX – May 7, 2010, was a cool but bright day at **Albert Moving and Storage**, 4401 Barnett Road, in Wichita Falls. But it was not a typical day for this international moving company. Everyone was wearing their bright blue "Mover Skills Rodeo" shirt. This was the day the 6th annual Mover Skills Rodeo was taking place.

Annually the company devotes one day to showcase industry best practices used in the packing, loading and unloading of the customers' household goods. The Albert Companies has been developing these best practices for over 70 years. The use of these skills has resulted in some of the highest quality moving services in all of the moving industry.

The event this year was special for another reason—it attracted visitors from some of the industry affiliated companies who wanted to "see just what this event was about," stated Jimmy Elliott from Carlyle Van Lines. Visitors represented the following companies: **Gateway International**, Seattle, WA; **Affiliated Transportation**, Lawton, OK; Slidel Moving and Storage, Slidel, LA; and Carlyle Van Lines, Warrensburg, MO.

The event showcases best practices and sets up friendly competition between "mover



Chris Salas participates in the wrapping event

teams" in the areas of wrapping, loading, unloading, driving, and industry facts and language. Judges look for enthusiasm, proper techniques, and excellent customer service skills. This aspect of the judging is so critical that an award called the EEE (Giving the customer an Experience that Exceeds their Expectations) Award is given to an individual. That individual this year was Don Sims. The overall prize goes to the team that wins the most points throughout the competition. This year that team was a team who named themselves "The Top Dogs." The coveted prize is the placement of the winning team's name on a plaque which is displayed in the foyer of the company headquarters. The title of the overall winners' award is "The Top Dog Award."

The non-mover employees at Albert show their support for the mover teams by cheering them on and encouraging them as they make their way through all the events. Bobby Albert, President of The Albert Companies, is the chief cheerleader and motivator for the event, as he is with so many other aspects of the organization. Bobby tells all the employees that "Everything Speaks," and that "How you act is as important as how you pack." He drives the ethical and moral behavior of the organization and insists that delighting the



Don Sims (right) receives the EEE from Bobby Albert.

(Skills Rodeo continued on page 14)

(Brown Files continued from page 1)

of EPA action on global warming. Plaintiffs include Massey Energy Company, Rosebud Mining Company, National Cattlemen's Beef Association and the Industrial Minerals Association of North America. The challenge was not joined by the automobile manufacturing industry, the only party directly affected by the EPA regulations.

Brown filed the motion on behalf of himself, Governor Schwarzenegger and the state Air Resources Board, and 12 other states— Delaware, Illinois, Iowa, Maine, Maryland, Massachusetts, New Mexico, New York, Oregon, Rhode Island, Vermont, and Washington—as well as the Pennsylvania Department of Environmental Protection and the City of New York.

(President's Comments cont. from page 3)

all CARB studies and data be brought into the sunshine. My December 2009 Column references the credential fraud that led to the dismissal of the original "Tran Report" (Hien T. Tran, project coordinator and lead author of,

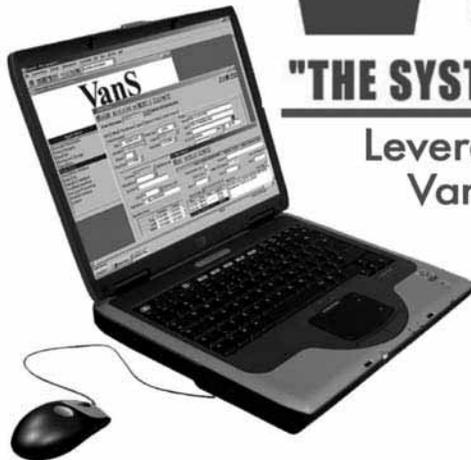
"Methodology for Estimating Premature Deaths Associated with Long-term Exposure to Fine Airborne Particulate Matter in California" a critical rationale for the CARB imposing their regulations). As a result of the issue being publically aired and the ensuing pressure, the CARB decided to develop a new report. Many impacted associations and firms are less than convinced that the information and processes used in a new report are not just more of the same. To that end CMSA has recently signed on to an Ad Hoc Group letter to CARB that "demand(s) that all generally-accepted scientific standards are fully complied with prior to finalizing the 'Replacement Tran Report.'"

As a result of an increase in the demand for moving services in the month of June, CMSA was forced to postpone our Independent Contractors Seminars scheduled for June 23 and 24 in Long Beach and Pleasanton respectively. It is our belief that continuing education on this business model is important to our membership and are planning to reschedule this program at a time when the greatest number of CMSA member companies can participate.

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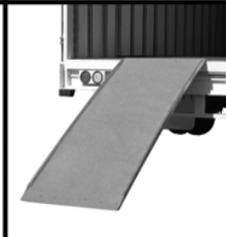
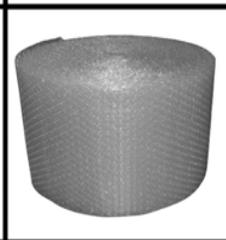
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(Heat Stroke continued from page 5)

and the elderly, because they are more fragile in their physiology and are often cared for by others who may not properly gauge their water intake. When exposed to extreme temperature without adequate water consumption, they are unable to dissipate heat. EHS on the other hand occurs when, through excess activity, the body produces heat that it can't get rid of fast enough. Combine this with heat outside and the body literally starts to cook. Sometimes, before heat stroke sets in, the body goes through a stage of heat exhaustion.

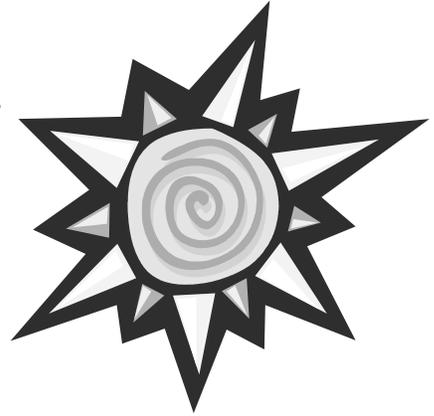
This stage is not quite as dangerous as heat stroke and offers the person or their caretaker a chance to seek medical attention before the situation gets serious.

In extremely hot conditions, heat stroke can take over. Sometimes circumstances drive the body directly into heat stroke without the interim phase of heat exhaustion.

Symptoms of heat exhaustion include the following: nausea, vomiting, fatigue, weakness, headache, muscle cramps, and dizziness.

If any of these symptoms arise, it's impera-

tive that the person is moved to a cool place and provided immediate medical attention. In cases of heat stroke, progressively rapid rehydration and a cooler environment will enhance a return to temperature balance.



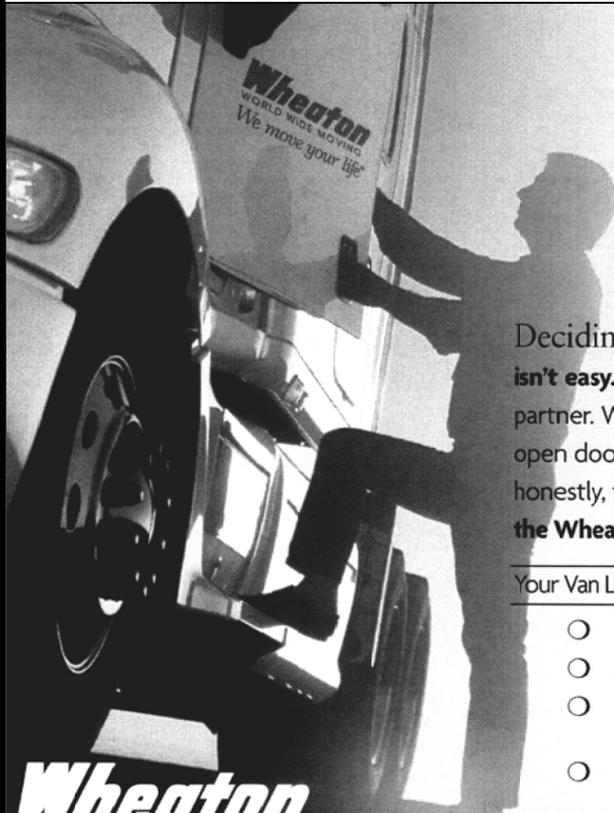
SOURCE: Weill Cornell Medical College

Resources:

<http://emedicine.medscape.com/article/166320-overview>

http://www.medicinenet.com/heat_stroke/article.htm

<http://www.mayoclinic.com/health/first-aid-heatstroke/FA00019>



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CPUC Investigations Result in Enforcement Actions and Fines Imposed on Various Moving Companies

SAN FRANCISCO, May 18, 2010 - The California Public Utilities Commission (CPUC), in its ongoing commitment to consumer protection, has recently taken a number of actions to protect consumers from illegally operating moving companies.

During the first quarter of 2010, CPUC staff took the following enforcement actions against moving companies for violations of the Public Utilities Code and CPUC rules and regulations, including Maximum Rate Tariff 4 (MAX 4), which contains maximum rates that carriers must observe as well as rules and regulations governing intrastate moves.

Administrative Citation

Three companies were cited and fined (totaling \$4,250) for one or more of the violations listed below, and one of the companies was ordered to refund \$12,942.73 to consumers.

1. Assessed incorrect rates
2. Engaged employees without evidence of workers' compensation insurance on file
3. Failed to issue and/or properly complete the "Important Notice About Your Move" document to shippers
4. Failed to maintain records
5. Incomplete Combined Agreements for Moving Services and Freight Bills
6. Operated and advertised without a valid permit (prior to issuance and after suspension)

Companies cited:

1. CHS Transportation Inc., San Jose (MTR 190378)
2. Fabricio Lunardi dba Lunardi Moving Services, Santa Clara (MTR-190625)
3. Vera Smolova dba Got 2 Move, Berkeley (MTR 190085)

Phone Disconnect

In its ongoing efforts to clamp down on illegal moving companies, the CPUC had telephone service shut off to five moving companies operating in California without a household goods permit. These companies continue to ad-

vertise and hold themselves out to engage in the business of transporting used household goods, notwithstanding CPUC staff directives to immediately cease and desist unlawful acts and to obtain a household goods permit.

1. **Tony Amaral dba Tony's *Affordable* Moving Services, and/or Tony's Moving Services, and/or First Call Moving Service, and/or Jacob's Moving Services, and/or On Call ASAP Movers, San Francisco (Unlicensed).** Carrier advertised his unlicensed moving business on the Internet. The advertisements listed two phone numbers and offered local residential moves. Notwithstanding the CPUC's Consumer Protection and Safety Division's (CPSD's) Cease and Desist letter directing the carrier to immediately cease all unlawful advertisements and operations, the company continued to violate the law as evidenced by an undercover operation.
2. **Michael Tullock dba Mike and the Movers. San Leandro (Unlicensed).** Notwithstanding a court order obtained by CPSD on October 27, 2009, shutting off this company's three telephone numbers, the company obtained three new telephone numbers and willfully continued to advertise this unlicensed moving business offering household, corporate, and commercial moves on the Internet.
3. **Tyson Mol dba All Care Moving Company. Santa Clara. (MTR-189681 revoked).** This company's permit was revoked on February 3, 2006. The company ignored a cease and desist notice sent on October 26, 2009, and continued to advertise the moving business, offering domestic and commercial moves, on the Internet.
4. **Darragh Skelton dba Clover Moving and Storage, Castle Rock Moving, San Francisco (Unlicensed).** Notwithstanding the court order obtained by CPSD on September 17, 2009, shutting off this company's one telephone number, the company ob-

(CPUC Investigations continued on page 11)

(CPUC Investigations cont. from page 11)

tained two new numbers and continues to advertise his unlicensed moving business on the Internet. All advertisements listed one of two phone numbers and represented to the public that the company has over six years of experience from working with other moving companies. The company also uses other trade names including Irish Professional Movers N Truck, and Two Professional Movers with a Truck. Notwithstanding CPSPD's cease and desist letters directing the company to immediately cease all unlawful advertisements and operations, the company continued to violate the law as evidenced by calls conducted by CPSPD.

5. **Shane McMahon and Dave Schmidt dba Irish Professional Moving and/or Tara Moving, and/or Planet Earth Movers, and/or Small Move/Big Move/Great Prices, Berkeley (Unlicensed).** Notwithstanding a court order obtained by CPSPD on November 9, 2009, shutting off its two telephone numbers, this company obtained a new number and willfully continued to advertise its unlicensed moving business on the Internet.

The advertisements listed one phone number and offered residential moves.

Criminal Filings

CPUC staff investigations of unlicensed operations resulted in three moving companies being charged criminally for violating the CPUC's rules and regulations. CPUC staff submitted its report to the Los Angeles City Attorney's office requesting a criminal complaint be filed against:

1. **Amex Movers, Inc., Los Angeles (MTR 190039) - Complaint #9CA01177** - This company was charged with 30 counts of violating various provisions of the Public Utilities Code, and the CPUC's MAX 4 Tariff including but not limited to operating and advertising after permit suspension and revocation; engaging employees without workers' compensation insurance; failing to maintain in effect public liability property damage and cargo insurance; and failing to issue Important Notice with Not To Exceed Price. Arraignment rescheduled to October 2009.
2. **L.A. Transport Inc. and its president Hassan Velashierdi, Tarzana (MTR 190257) - Complaint #9CA01215** - This company is

(CPUC Investigations continued on page 12)

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(CPUC Investigations continued from page 11)

charged with nine counts of violating various provisions of the Public Utilities Code, and the CPUC's MAX 4 Tariff including but not limited to operating and advertising after permit suspension and revocation; engaging employees without workers' compensation insurance; failing to maintain in effect public liability property damage and cargo insurance; and failing to issue Important Notice with Not To Exceed Price. The company is also charged with a count of probation violation (36 months probation) from previous misdemeanor filed in 2006 for operating without CPUC authority.

3. **Zakaria Saakian, Los Angeles (Unlicensed) - Complaint #9CA01279 -**

This company was charged with 10 counts of violating various provisions of the Public Utilities Code, and CPUC's MAX 4 Tariff including but not limited to operating and advertising without CPUC authority, failing to comply with CPUC order, decision, rule, and regulations, failing to provide Important Information For Persons Moving Household

Goods booklet prior to loading, failing to include a Not To Exceed Price on shipping documents, failing to show name and address used by carrier on shipping documents, failing to obtain signature of shipper on moving documents, and failing to issue shipping document to shipper when charges collected. The owner of the company appeared in court on March 19, 2010, and pled No Contest to three counts (PU Code Sections 5133(1a)(1), 5143(b) and 5139). The company's owner received 36 months summary probation; 30 days in jail, or perform 10 days of Community Labor or 300 hours of community service; pay restitution to shipper in the amount of \$2,294.31 on or before June 23, 2010; pay investigative costs to the CPUC in the amount of \$500 within one year; no operations as a household goods carrier without first obtaining a CPUC license; if working for another licensed household goods carrier, must inform the CPUC in writing within 48 hours, obey all laws, rules, and regulations pertaining to household goods operations.

(CPUC Investigations continued on page 13)



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(CPUC Investigations cont. from page 12)

Official Notice

Four companies were issued Official Notice for one or more of these violations:

1. Failed to include Cal T-number in advertisements
2. Operated and/or advertised without a permit

Companies cited:

1. David Miller dba Santa Rosa Music Center, Santa Rosa (Unlicensed)
2. Li Hong dba 168 Li Moving Co., San Francisco (MTR 190651)
3. Mario Eusebio Monterroso Lopez and Delfina Gonzalez dba M&M Movers, East Palo Alto (MTR 190702 - Pending)
4. Nathan Murch dba A-1 Moving Services, Santa Rosa (Unlicensed)

Cease and Desist Notice

Twenty-two companies were issued cease and desist notices for operating and advertising without a valid permit (unlicensed, suspended or revoked).

Companies issued cease and desist notices:

1. All Week Relocation Inc. dba All Week Relocation, San Jose (Unlicensed)
2. Armalan Moving Services LLC, San Mateo (MTR 190654)
3. Charlie Ray Langenegger Sr. dba Charlie's Mountain Movers, Santa Clara (Unlicensed)
4. Emilo J. Triana dba Triana Moving, San Leandro (MTR 91758)
5. Freddie Martinez dba Amazing Express Moving, Victorville (Unlicensed)
6. Golden Hands Moving Company, Los Angeles (Unlicensed)
7. Greg Kurtz dba Flagship Movers, Sausalito (Unlicensed)
8. Honest Packing Transportation, Inc., San Gabriel (Unlicensed)
9. Hong Yun Pack & Moving Corp., City of Industry (MTR 190526 Denied)
10. Hua Xing Moving Co., Alhambra (MTR 190547 Denied)
11. Hui Hao dba Buddies Moving, Inc., Alhambra (Unlicensed)
12. Jae Young Kim dba Orange Trucking, Garden Grove (MTR 18673)

(CPUC Investigations continued on page 14)



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(CPUC Investigations continued from page 13)

13. Jun Ma dba First Moving, Rowland Heights (Unlicensed)
14. Mario Monterroso and Edgar Monterroso dba M&M Movers, East Palo Alto (Unlicensed)
15. Micro Moves, Los Angeles (Unlicensed)
16. Noem Yeramian dba A & A Express Moving & Delivery, Lake Forest (Unlicensed)
17. Performance Logistics & Movers. Inc., Redwood City (MTR 190588)
18. Qiao Baoqin dba Xing Wang Transportation, Alhambra (Unlicensed)
19. Qing Yun Meng dba Lai Lai, El Monte (Unlicensed)
20. Rene C. Perez and Kris Ross dba Strong Young Movers, Alameda (MTR 189714)
21. Shane McMahon dba Irish Professional Moving, Tara Moving, and Planet Earth Movers, Berkeley (Unlicensed)
22. SLO & Steady Moving, San Luis Obispo (Unlicensed)

SOURCE: California Public Utilities Commission

(Skills Rodeo continued from page 6)

customers will, by its very nature, increase the operating profits. His vision for the future of the Rodeo is that other companies will want to send teams to join in the competition with its strong emphasis on "best practices."

The events culminate with a company-wide luncheon and a presentation by Jason Turner, COO, on why we conduct such exercises as The Mover Skills Rodeo. He emphasized the quality of the actions the movers take as they handle the precious household goods belonging to our customers. Many of the customers are military personnel. **Albert Moving and Storage** feels a deep debt of gratitude for the service they perform and in that spirit assures them that their household goods will receive the utmost in quality care. This same spirit is generated for the commercial customers. Such care and dedication to excellence has made **Albert Moving and Storage** a premier moving company, one well respected in the industry at large.

Source: Albert Moving & Storage



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Obama Administration Moving Against Independent Contractors

By: Paul Oakley, AMSA Senior VP Gov't Affairs
Article originally appeared in *AMSA Today*.

During the difficult economy over the past couple of years, federal and state governments have been hungry for revenue as unemployment has risen, and income and property values have fallen. Unfortunately, one of the increasingly popular targets for government revenue bloodhounds is the alleged misclassification of independent contractors. The Obama administration's fiscal year 2011 budget proposal includes \$7.3 billion in additional revenues over 10 years from reclassifying current independent contractors. The Internal Revenue Service has launched a crackdown on independent contractor "misclassification." Many states have also increased their efforts to audit businesses and identify inappropriately classified independent contractors.

The independent contractor crackdown doesn't stop with Obama administration and state governments; Congress is also threatening to get into the fight. The Taxpayer Responsi-

bility, Accountability and Consistency Act has been introduced by Sen. John Kerry (D-MA) as S 2882, and Rep. Jim McDermott (D-WA) as HR 3408. These bills would amend the Internal Revenue Service Act of 1978 to change the "safe harbor" provision in Section 530 to tighten the standards for independent contractor classification. Workers who have been misclassified as independent contractors are denied unemployment compensation benefits, workers' compensation insurance, other employer benefits, the protections of wage and hour and other labor laws, including overtime and minimum wage requirements. The US Department of Labor has estimated that up to 30 percent of companies misclassify employees. As indicated, federal and state governments are keenly interested in recouping lost revenues because several studies indicate that misclassified independent contractors for whom income taxes are not withheld under report their income by approximately 30 percent.

(Obama Administration cont. on page 16)

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(Obama Administration cont. from page 15)

The moving and storage industry needs to be particularly mindful of this government crack-down. It is commonly believed that industries that have the most widespread misclassification problems include trucking, construction, home health care, and computer and high-tech services. With the trucking industry on the list, it would not be surprising if household goods moving companies are caught up in the government audit sweep. Some in the moving industry will say that this isn't a problem for our industry because we have a Market Segment Understanding (MSU) with the IRS that establishes when van operators are independent contractors (<http://www.irs.gov/pub/irs-utl/van-ops.pdf>). It is true that there is an MSU covering certain van operators. The MSU is designed to reduce disputes about the proper classification of a van operator in the moving industry, and provide a consistent and accurate approach to proper classification of van operators. It does not guarantee that all van operators are independent contractors. Movers should carefully follow the

criteria and guidelines spelled out in the MSU. And the MSU does not apply to casual labor. With respect to sales representatives and packers and loaders, companies must keep in mind the overall guidance that workers are generally considered employees when someone else controls how and when they perform their jobs. On the other hand, independent contractors are generally in business for themselves; they find their own customers and they control how they perform their job. Moving companies should also keep in mind that the IRS MSU does not control state government independent contractor audits.

As an example of the tightened scrutiny on this issue, organized labor and several states have focused on alleged abuse in the use of independent contractors by Federal Express. To avoid this controversy and sharpen the distinction between FedEx and its independent contractors, FedEx now requires that all its independent contractor drivers be incorporated under state laws. This change reflects the understanding that employers with misclassified workers face significant costs and fines.

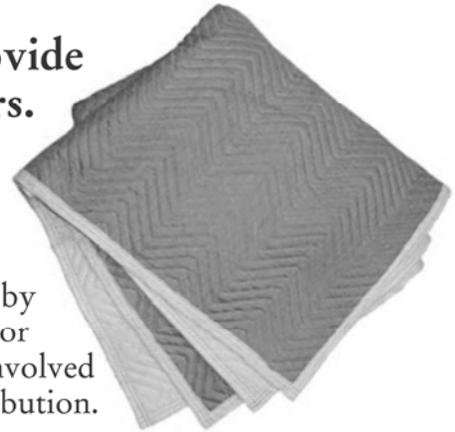
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Amy Messinger, John Lance, Tim McCarthy, Patrick Longo, Ken Armstrong, P.J. Welch.*



Bottom (L to R): Dennis Doody, Bob Fraser, Jim Weiant, Brian Larson, Nat Prassel, Rick Hosea, Joe Hammer, Sr., David Askew.

Photo taken from 2010 Convention.

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Crown Worldwide Scores \$300 for Special Olympics

Sick of trying to explain "The Beautiful Game" to his American colleagues at **Crown Worldwide Moving & Storage**, Simon Mason (graduate trainee from John Mason Int'l UK) decided to do something about it. In order to drum up some interest in "soccer," he organized a World Cup Sweep Stake where employees bought tickets and picked teams at random. If their team achieves 1st, 2nd or 3rd place in the tournament; they win prizes while a portion of the money collected (\$300) is donated to the CMSA Special Olympics fund.



Simon Mason hands CMSA President Steve Weitekamp the check. Rick Hosea of Crown Worldwide on the right.

Simon stated: "I thought it would be a nice opportunity to teach people a little bit about my national sport while raising money for a good cause. Unfortunately, I picked Nigeria and Slovakia so I am not holding out much hope!"

The 2010 FIFA World Cup starts in South Africa on the 11th of June with the final being held in Johannesburg on the 11th of July.



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(Chairman's Corner continued from page 2)

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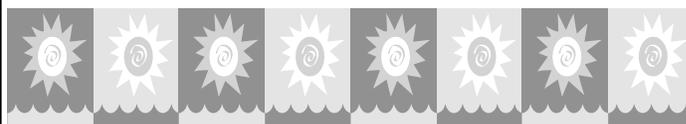
The consumer must declare the value and level of protection on their goods on the Agreement for Move Services.

A claim for damages may be filed up to 9 months after the delivery of the shipment.

The claim must be filed in writing to the carrier. A carrier must acknowledge the written claim within 30 days of receipt and pay, decline to pay or make a firm compromise settlement within 60 days of receipt of the written claim.

These are just a few of the many regulations that permitted carriers must follow within the state of California. Refer to your CPUC Max 4 Tariff for the actual regulations. Non compliance can result in fines, suspension and even revocation of a carrier's CPUC permit.

Let's have a great summer!



CLASSIFIED ADVERTISING

CHARGES: 1-5 lines \$15; \$2 each additional line. CMSA box number \$5; Non-member charge: \$30 additional. Special heading/set up extra. Replies to ads noting box numbers to be sent to: CMSA Communicator, 10900 E. 183rd St., #300, Cerritos, CA 90703. Call Brianna Wahlstrom at (562) 865-2900 to place your advertisement.

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Looking for experienced customer service, claims, and operations person. If interested please e-mail: martin@dalymovers.com.

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EMPLOYMENT OPPORTUNITY

Looking for managers in L.A./Orange and Northern Bay Area. Must be extremely computer literate. Must be good with people and should have experience in the Moving and Storage Industry. Send resumes and letters of inquires to: CMSA, Box J2, 10900 E. 183rd St., #300, Cerritos, CA 90703.

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HISTORICAL PHOTO

As the CMSA closes in on its 100th year, join us in looking back down memory lane at these wonderful historical pictures. If you have any pictures you would like to share, please e-mail them in jpeg format to: bwahlstrom@thecmsa.org.

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*Ronald J. Greensides, Vice President
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