

## FMCSA Embarks on New Effort to Catch Fraudulent Movers

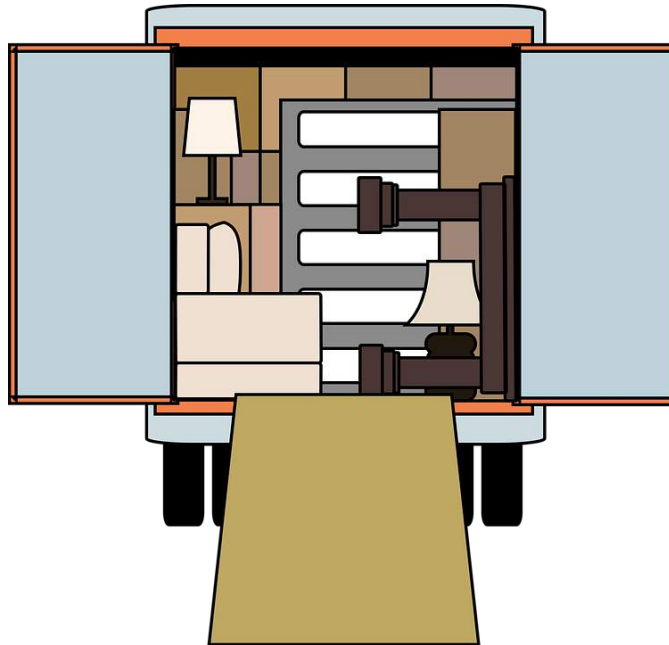
Agency's Spring Investigation Results in 60 Enforcement Actions

The [Federal Motor Carrier Safety Administration](#) this spring conducted more than 100 separate investigations into household goods moving fraud, and is now proceeding with 60 enforcement actions against companies and brokers across 16 states with the threat of revocation of operating authority and civil penalties for some.

Now, the agency is gearing up for a second phase of an effort it's calling [Operation Protect Your Move](#) to weed out moving fraud in the transportation sector.

In an interview with Transport Topics, [FMCSA](#) Administrator [Robin Hutcheson](#) said these efforts are a response to a significant uptick in the number of consumer goods moving fraud complaints.

"In 2022, we received more than 7,500



*Some movers and brokers quote initial low-cost moves, only to as much as double the cost after the goods have been loaded on a truck.*

complaints against moving companies and brokers, which was more than double the complaints we received back in 2015," Hutcheson said. "We felt it was important to bring more attention to the issue to protect consumers."

Toward that end, FMCSA has formed an internal technical advisory group to help guide future efforts.

"The agency is improving training programs for investigators, hiring additional personnel, and expanding

its consumer education and outreach footprint, including a digital toolkit with updated videos, checklists and other useful information to help individuals prepare for an interstate move and spot red flags before it's too late," the agency said in a statement.

*(FMCSA continued on page 7)*



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## CHAIRMAN'S CORNER

by Jesse Chabot

As of now, on my third article, they seem to be due faster and faster. I guess time flies when you're having fun. I believe the overall theme of the summer is to expect the

unexpected. As we think next week is slow, then suddenly, it's booked up. I think at the end of every week we look at the next week with a little bit of shock that we don't have any jobs, and then out of nowhere, we are able to fill all our days.

So now that summer is here and the temperatures start rising, so does the temperament of our guys. This always happens—crews get overheated, a little overworked, and get frustrated. We always have a little bit of blowback from the guys over their frustration with this thing or that thing during the summer. Maybe somebody's not carrying their weight grabbing the heavy stuff or somebody doesn't want to run

stairs, and saying that, I don't think that frustration or airing your frustration is a bad thing. This brings me to the biggest issue now facing our industry, the new Global Household Goods Contract (GHC). Let's take a little look back.

I remember when I started in the business, military movers were in the TOPS system, and we did a little bit of military, some office moving, and some locals. As I started, with the help of other CMSA members, I got pretty good at booking in the TOPS system. You had some slow days, but when that happened, we would stop by the base to talk to some of our friends down there, and then the next thing you know you would walk out with some jobs. When they started to announce the new DP3 system everybody was up in arms. I remember dreading the military breakout session that was at the CMSA convention that year, lots of frustration, lots of yelling, and a little bit of drinking obviously because of the uncertainty of what was to come. I remember telling a person from a move management company that was taking me out to lunch that when

(CHAIRMAN'S CORNER continued on page 4)

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## PRESIDENT'S COMMENTS

By Steve Weitekamp

We recently conducted a Chapter President/Leadership orientation Zoom call. This is a regular part of our summer calendar and is always well attended. We discussed the current issues that are having an impact on our industry and our Association. We also reviewed the logistics of conducting a successful chapter meeting. The interest and participation in that call is to me a cornerstone of the success of our Association. We all know that it is easier to just sit back and let someone else do the work, but that is not in the ethos of our membership. We believe that by working together we can have a positive impact on ourselves, businesses, communities, our country, and the world. While this might sound like a platitude to some, I believe it and have seen the impact of our successes firsthand.

Our chapter presidents conduct successful meetings and fundraising events, they conduct elections that establishes the foundation for our board of directors and volunteer officers. They share educational information that can make participating members better movers and businesspeople. They plan and execute successful fundraising events that have allowed the CMSA to award over \$1,250,000 in scholarship funds to young people in our industry and to provide generous annual donations to charities. I cannot thank our chapter leaders enough for their hard work and success.

If you have read our chairman's column in this issue, you are aware that he mentions the Global Household Goods contract and what he has heard from members related to concerns and questions. Based on the advice of CMSA counsel, there are areas where our Association cannot legally get involved in, as noted in our Anti-Trust Guidelines, like specific pricing, blackballing, or boycotting individuals or companies. While there are some things we cannot do, there is a lot that we can and should say related

(PRESIDENT'S COMMENTS continued on page 5)

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(CHAIRMAN'S CORNER continued from page 2)

this new DP3 system comes I'm going to have to go to you and take you out to lunch. He laughed and said he would always take care of me (which was not the case). Under the new DP3 system, our military shipments slowly went down as agents with SCAC codes and larger hauling capacity would get work first, understandably. I will say, even going into the new DP3 system that there were guidelines of how work would be handled. So even though we were going into the unknown, we did have some kind of map on how it was going to be whether that was your quality score or how your rates were. And during the process, we had industry leaders involved, able to discuss it and explain how this new world was going to be.

We come into this GHC era with a lot of unknowns. Many movers have been reading social media moving groups, which contain a lot of comments from drivers who are frustrated about the unknown. They speak of the ability to drop their moving trailer and pick up another industry trailer and move on

about their business, but they also seem ready for the fight. They are sharing the emails of GHC individuals so they can complain. Many are wondering why agents aren't all up in arms like they've been before. Some agents will lose monetary value if they had SCAC codes because those will become worthless. SCAC holders also had leverage with move management to book more work. Now that goes away. Agents that are large haulers have always had more bookings because of their ability to haul under this system. Who's to say their drivers will not just sign up with GHC directly causing hauling agents to lose more drivers?

As for agents who have a good relationship with a move management company or a van line, who's to say that that will continue? Many just don't understand as an industry why we are not asking more questions, and why we are not demanding to be a part of this process, seeing how this will literally be the biggest change to our industry ever.

If a lone agent speaks up they might

(CHAIRMAN'S CORNER continued on page 5)

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(CHAIRMAN'S CORNER continued from page 4)

have a concern that the GHC system, or any other system, might take some form of retribution. Several movers I have spoken with think that's why a lot of people are just going with the flow. I believe this is where the leadership of the CMSA can have a positive impact. We should be pushing for the ATA MSC & IAM to be actively involved in pro-

tecting our interests. They should ask the hard questions, without fear of blowback. It is highly unlikely that their actions will stop the move to the GHC, but their efforts should be to look out for the collective interests of the movers who have the assets and provide the service to our military members. CMSA, ATA MSC, and IAM are the industry's advocates, let them know our concerns.

(PRESIDENT'S COMMENTS continued from page 3)

to the industry that we were established to support.

As with any issue impacting our industry, we hope that you feel confident that CMSA is a strong advocate for the interests of our members. We are always interested in your

opinion and developing positions based on the best interests of the membership, with direction and input from your elected board of directors. If you have any questions or concerns about this or any other issue, please do not hesitate to contact me directly.



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(FMCSA continued from page 1)

Also, FMCSA established the Household Goods State Enforcement Partnership Program to maximize the impact of collective efforts.

"Through this program, participating state agencies have access to FMCSA enforcement databases, free training on federal regulations and laws, and will participate with FMCSA on joint investigations to support increased enforcement actions," the statement said.

Eleven state agencies have signed on, including the attorneys general offices for Arizona, Arkansas, Florida and Texas. Four additional state partners are expected by the end of summer, the agency said.

"It's definitely been something that has popped up on FMCSA's radar screen,"

said [Ryan Bowley](#), executive director of [American Trucking Associations' Moving & Storage Conference](#). "We as a conference have also really voiced to the agency's leadership that this is an important priority for our members."

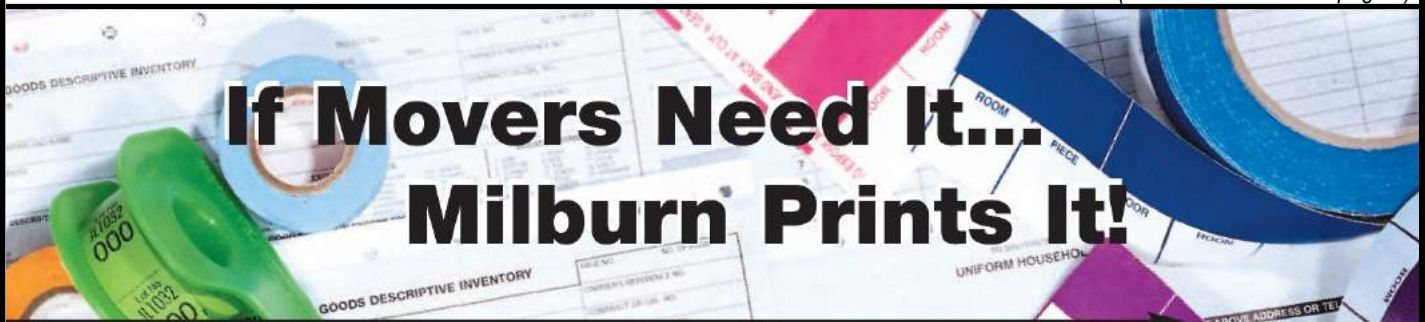
*Through this program, participating agencies have access to FMCSA enforcement databases, free training on federal regulations and laws, and will participate with FMCSA on joint investigations to support increased enforcement actions.*

The investigation covers both movers and brokers that purport to connect consumers to local movers, but instead facilitate fraud by promoting scams that include quoting initial low-cost moves, only to as much as double the cost after the goods have been loaded on a truck.

"If it seems too good to be true, it probably is," Bowley said. "The unfortunate thing we see is

that [movers'] money frauds are less and less isolated cases, and it's become multiple states, multiple companies and individuals

(FMCSA continued on page 8)



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(FMCSA continued from page 7)

actually moving on to wire fraud and racketeering.”

The frauds happen in many different ways, Hutcheson said, and not only cause financial hits to consumers, but also can be very emotional.

“We are very pleased with our effort, but we know there is even more to do,” Hutcheson said. “We have augmented our staff and we’ve also retrained some of our staff to be able to address this. Our work will continue and I do anticipate that by year’s end we will be reporting significantly more investigations and enforcement cases.”

In February, [Bill Lovejoy](#), chairman of ATA’s Moving & Storage Conference and owner of San Diego-based [Republic Moving and Storage](#), said one of his more urgent issues would be to fight fraud in the industry, which he calls the “wild west.”

Scammers use the internet to set up phony websites and issue quotes, then raise the cost, while holding customer goods hostage, Lovejoy said. “We want

money from FMCSA for enforcement and to continue to simplify the industry. We haven’t made a lot of progress on that.”

Source: *Transport Topics*



Bill Lovejoy



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# Service Contract Labor Standards Under the GHC Webinar Held on July 20

With the implementation of the Global Household Goods Contract (GHC) coming up in 2024, CMSA wanted to make sure that members were prepared.

CMSA offered a FREE webinar presented by Scopelitis, Garvin, Light, Hanson & Feary Law Firm titled Service Contract Labor Standards Under the GHC.

The webinar was held on Thursday, July 20, 2023, from 10-11 a.m. on Zoom. Approximately 200 people registered to attend.

Scopelitis partners Robert Henry and Jack Finklea addressed the following topics:

- What is the Service Contract Act?
- What are the requirements?
- Who is covered?
- Who is not covered?
- Recordkeeping requirements?
- Compliance procedures
- Practical Tips

The hour-long webinar was capped off with a Q&A session at the end.

If you were unable to attend, the webinar recording will be available for a limited time. Please email CMSA to request access at: [information@thecmsa.org](mailto:information@thecmsa.org).

A special thank you goes out to our webinar presenters that took the time to share their knowledge on this important matter.

To contact Robert Henry or Jack Finklea of Scopelitis, Garvin, Light, Hanson & Feary Law Firm, please see their contact information below.



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## CMSA's Own President Steve Weitekamp Included in the 2023 IAM Hall of Honor



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Please take a moment to congratulate these individuals for earning this prestigious award and thank them for their contributions to the industry and the Association. IAM will publish their biographies [on the IAM website](#) and in the next issue of the *Portal*.

IAM will celebrate these individuals at the [Hall of Honor Recognition Ceremony and Luncheon](#) at the [IAM Annual Meeting & Expo](#). All IAM Annual Meeting registered attendees are encouraged to come to this

session. If you have not signaled your intent to attend this session during the registration process, please contact [iam@mmsmeetings.com](mailto:iam@mmsmeetings.com) so that IAM can plan for your attendance.

The Hall of Honor was established in 2008 to pay tribute to those Industry leaders whose careers reflect exceptional and distinguished service to their companies or the Association, or who have worked to elevate the Industry as a whole.

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# California Establishes Quarantine to Prohibit the Introduction of the Spotted Lanternfly into California

A state exterior quarantine has been declared to prohibit the introduction of the spotted lanternfly (SLF), *Lycorma delicatula*, into California. Spotted lanternfly was first detected in North America in 2014 in Pennsylvania and has now spread to nine states.

The quarantine prohibits the entry into California of SLF, its host plants, and a variety of articles, including conveyances, originating from any area where an SLF infestation exists. Specifically, articles and commodities covered by the quarantine include the following:

- Spotted lanternfly, a harmful invasive species that threatens California's agriculture and natural resources,
- All plants and plant parts including firewood, if exposed to the environment,
- Outdoor industrial and construction materials, equipment, and waste,
- Shipping and storage containers including personal moving containers,
- Outdoor household articles,
- Conveyances of any type including but not limited to, cars, trucks, recreational vehicles, boats, and trailers,
- Agricultural equipment including but not limited to, tractors, harvesting equipment, and rigid containers,
- Any other article, object, materials, or means of conveyance when it is determined by a California State Plant Quarantine Officer to present a risk of carrying or spreading any life stage of SLF.

All the articles and commodities covered above are prohibited entry into California from areas under SLF quarantine with the following exceptions:

- Certificate of Treatment issued by an



authorized state agricultural official,

- If originating outside of a SLF infested area and moving through a SLF infested area during March through December, the regulated article must be in an enclosed vehicle or conveyance or completely covered,
- Any articles transported by a conveyance that has a GPS data report indicating that it did not travel through an SLF-infested

area,

- Indoor articles not exposed to the environment, including, but not limited to, household articles, house plants, and indoor furnishings,
- Articles and commodities covered above that are accompanied by the appropriate permit, phytosanitary certificate, Compliance Agreement, or checklist for individuals moving from a SLF-infested area into California.

The spotted lanternfly feeds on at least

(SPOTTED LANTERNFLY QUARANTINE continued on page 14)

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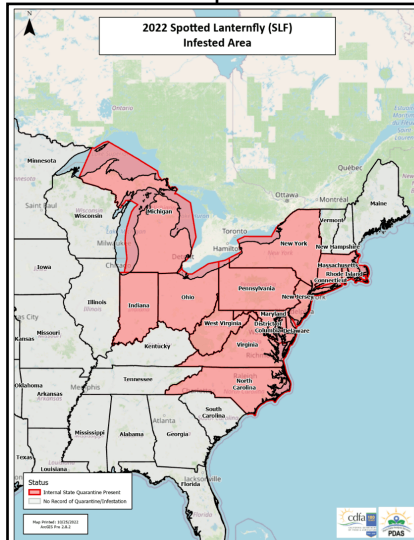
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(SPOTTED LANTERNFLY QUARANTINE continued from page 13)

103 species of plants (mostly trees) in 33 families. The immature stage (nymphs) is much more polyphagous than the adults, which strongly prefer Tree-of-Heaven (*Ailanthus altissima*) and grapes (*Vitis* species). Other hosts include maples, birches, hickory, beech, ash, apple, stone fruit, oaks, and willows. Their feeding produces large quantities of fluid, referred to as honeydew, that covers stems and leaves and promotes the growth of sooty mold. The feeding weakens the plants, and the sooty mold that grows on the honeydew decreases photosynthesis, which may have a greater impact on the plant than the feeding itself. Infestations weaken the plants and can eventually kill them.

SLF can move between natural landscapes and agricultural production. SLF egg cases are deposited on trees (especially trees with smooth bark) as well as a wide variety of outdoor objects--natural and manmade--including vehicles, recreational vehicles, stone, outdoor furniture, and storage and moving containers. The most likely

pathway for long-distance spread of this invasive species is the movement of SLF egg cases.



Click [here](#) for larger view of map.

In addition to this quarantine, CDFA has taken the following proactive steps to protect California from SLF including, but not limited to, A-rating from the California Primary Entomologist, training for county regulatory staff through CDFA's Pest Prevention University, advisories to state/county staff, Border Protection Station inspections, air cargo inspections, dog teams in parcel facilities looking for unmarked packages, CDFA participation in national SLF Summit and coordination meetings, yearly visual survey for SLF in

California, creation of a Science Advisory Panel to inform development of an SLF action plan to be used if SLF is detected in California, training module for UC Master Gardeners, host specificity testing, risk-based maps and models, research on suitability of specialty crops, and biological control research.

Click [here](#) for the Checklist Guide for Individuals Moving Non-Commercial Items from a Spotted Lanternfly Quarantine Area.

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### Vacation Policy: Employer Has Latitude, But Beware of Illegal Impacts

*Can we have different vacation policies for different worksites and for different groups in the same office?*

Yes, California employers may establish different vacation policies among their employees.

Paid vacation is a discretionary employee benefit offered by employers. Because there are no laws requiring employers to provide paid vacations to employees, companies may decide who is entitled to paid vacation leave, the amount of leave, and when vacation can be taken.

#### **Different Policies**

***Companies can adopt different policies for different groups.***

Employers are not required to offer the same amount of paid vacation to all employees or to treat employees the same. Companies can choose to apply the same policy to all employees or can offer different policies to different groups of employees or to individual employees.

Employers have the flexibility to establish different accrual rates or rules based on multiple factors. Common distinctions made by employers in their paid vacation policies are:

- Full-time vs. part-time employees.
- Regular vs. temporary employees.
- Exempt vs. non-exempt employees.
- Length of employment.

Companies also may use paid vacation to attract new employees or to incentivize and reward current employees.

For example, applicants may negotiate a higher vacation amount than is provided in the company's general vacation policy, or a company might grant an additional week of paid vacation to reward the outstanding performance of an employee.



#### **No Illegal Reason**

***Different vacation policies cannot be based on an illegal reason or have a disparate impact on protected groups.***

In establishing distinctions between groups of employees in paid vacation policies, a company would violate discrimination laws if the vacation policy were based on a classification prohibited by law. A company cannot adopt different policies based on race, gender, sexual orientation, religion, age, nationality, or any other protected characteristic.

Companies also should be alert to vacation policies that have a disparate impact on certain groups. For example, agricultural workers who receive fewer vacation days than office workers may allege that they are being affected unfairly by the discretionary policy.

Different vacation policies are rarely illegal. However, treating one group of employees more favorably than others may lower morale and cause resentment between the groups. Employees understand that working longer for a company may warrant more paid vacation. It may be harder to understand why employees in the Los Angeles office get more paid days off than those

*(VACATION POLICY continued on page 17)*



working in San Francisco.

### **Legal Requirements/Best Practices**

***Discretionary vacation policies are subject to legal requirements and best practices.***

Although companies have considerable latitude regarding paid vacation policies, there are some limitations.

#### ***Legal Requirements***

- Because California treats accrued vacation time as wages, it cannot be forfeited or otherwise taken away.
- When employees separate from a company, they must be paid for any unused, accrued vacation time as part of their final paycheck.

#### ***Best Practices***

- Employers should have a written vacation policy explaining accrual rates, eligibility criteria, and payout procedures. By committing your company to a written policy, you force yourself to clearly define the terms of the policy. This avoids uncertainty and miscommunica-

tion and sets expectations for employees.

- Employers can cap the amount of vacation time an employee can accrue if the cap is reasonable, and employees have been given sufficient opportunity to use their accrued vacation time. What constitutes a “reasonable cap” has not been established by the courts or the Division of Labor Standards Enforcement (DLSE). Employers often set the accrual cap at 1.5 to 2 times the annual accrual rate.

Unlike many areas of employment, vacation policies aren’t heavily regulated by the state. California employers can establish different vacation policies for their employees so long as the differences are not based on illegal reasons or do not adversely affect a protected group. Ideally, if challenged, companies can explain the reasons they have chosen to adopt different policies for different groups.

*Source: CalChamber Alert*

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## Memories Made at 2023 Convention (Part 3)



(CONVENTION PHOTOS continued on page 20)



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For 50 years and counting, IAT TransGuard has been a leader in the Moving & Storage industry. Our specialized program and loss control services aim to meet your unique needs. Coverages include Auto Liability, Physical Damage, Cargo, General Liability, Warehouse Legal, Property, Crime, Moving Equipment and Umbrella.

Scan the QR code to connect with an agent in California or visit us online at [www.iatinsurance.com](http://www.iatinsurance.com) and select Find an Agent to learn more.







## Association Leaderboard Report

**CMSA Enrolled  
Movers: 90**

CA Leaderboard		CMSA Report Food Collected and Delivered		
Total		Monthly	Year to Date	All Time
1	All-Ways Moving & Storage, Inc.	7,716 lbs.		
2	Mother Lode Van & Storage	174 lbs.		
3	S&M Moving Systems-Fremont	150 lbs.		

### Join the Mover For Hunger!

Visit: <https://moveforhunger.org/join> | Call: (732) 774-0521 |  
Or Email: [taylor@moveforhunger.org](mailto:taylor@moveforhunger.org)

## CALENDAR OF EVENTS

Fri., Sep. 1 San Diego Chapter  
San Diego Padres Game

Tue., Sep. 5 Twin Counties Chp. Mtg.

Wed., Sep. 6 San Diego Chapter Mtg.

Thu., Sep. 7 OC/Beach Cities Chp. Mtg.

Fri., Oct. 13 Monterey Bay Chapter  
Golf & Bocce Tournament

Fri.-Sat. CMSA Fall Board Meeting  
Oct. 20-21

### SAVE THE DATE

**106th Annual CMSA Convention  
Hilton Waikoloa Village  
April 30-May 5, 2024**

## CLASSIFIED ADVERTISING

### BUSINESS WANTED

We are interested in purchasing all or a part of your business. We are able to provide quick cash for certain assets. We can assist in an exit strategy. Major CA markets are desired. Discussions will be in strictest confidence. Send information to CMSA, Box J1, 10900 E. 183rd St., #300, Cerritos, CA 90703.

### 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 inquiries to: CMSA, Box J2, 10900 E. 183rd St., #300, Cerritos, CA 90703.

### USED VAULTS

100 + storage vaults for sale. Assembled in the Bay Area. Average grade 6.5 on a scale of 1-10. Cost = \$50 each. Please call 800-201-6683 or email [cal@farnsworthexpress.com](mailto:cal@farnsworthexpress.com).

**CHARGES:** 1-5 Lines \$15;  
\$2 each add'l line. CMSA Box number \$5. Special heading or setup is extra.  
Email: [information@thecmsa.org](mailto:information@thecmsa.org) to place your ad or call (562)865-2900 and speak to Renee Hifumi.

**REACH YOUR TARGET  
AUDIENCE.  
ADVERTISE HERE!**





(CONVENTION PHOTOS continued from page 18)



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MOVE WORLDWIDE**

A DEWITT COMPANY

**YOUR ONE STOP CONNECTION**  
to Hawaii, Alaska & Guam



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*Royal Hawaiian Movers*  
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#### HAWAII

We offer twice weekly service to all islands. Our rates include fuel surcharges and delivery services up to 50 miles from the port of **Oahu, Maui, Hilo or Kona.**



**ROYAL ALASKAN MOVERS**  
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#### ALASKA

Our all in rate includes fuel surcharges and delivery services up to 50 miles from the port of **Anchorage, AK.**



*DeWitt Guam*  
A DEWITT COMPANY

#### GUAM

We are the Guam experts. Our all in rates include fuel surcharges and delivery services anywhere in **Guam.**

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