

# MOVIN' ON UP

By: John P. Hale, ABR, CRS, GRI, REALTOR®

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I am NEVER doing that again! I hate moving! The next time I move it is going to be while I'm carried out feet first in a bag. Let me repeat: I AM NEVER MOVING AGAIN!!!

Everyone has either heard it or said it. Not very many people like to move. We all know, first hand, what a nightmare moving a household can be. How many times has someone that has just moved declared, "I am NEVER doing that again?" Along with the real estate transaction, the utility companies, the kids, the parents, the weather, the physical work, the employers, the psychological stress, and the expense, there are many different risks associated with moving a household. Not the least among these risks may be the professional moving company you hired – especially if the wrong moving company. When things don't go well, it can be a nightmare – like when the moving company tries to scam you.

So what must you watch out for and what are some of the scams? There can be many types of moving scams, but perhaps the most typical scenario goes something like this: The consumer contacts a moving company and obtains an estimate. Let's say the estimated weight is 3,000 pounds and the cost to move it from point A to point B is estimated to be \$2,800. A 25% deposit is required and paid. The move is made, and of course the truck hasn't arrived on schedule. The driver calls and says that they are on the scales at a truck stop en route and the driver claims the actual weight turned out to be 4,100 pounds and the total cost will be \$3,950 – and they are going to need cash or a certified check for the entire balance due before they unload the truck. That's \$1,150 that wasn't in the budget (and may not be in the checking account). How close to the boiling point do we want to get here? Oh yeah, and if you don't pay the extra money when they show up, they will turn around, with all of your worldly possessions, and

unload the truck into a storage facility at an undisclosed location of their choosing. At which point you will then owe them for that travel expense and the time it will take to unload from the truck, load everything into large storage containers and then storage in the facility – thousands of dollars more – and more every day.

You are already behind on schedule and stressed to the max, and have a new job to go to, and kids to take to a new school, and it's almost certainly raining or snowing or 110° outside, and everything else bearing down on you. You are angry and frustrated but see no alternative but to write the check and get this over with. Or, just strangle the driver and moving crew on arrival (just kidding, but you know that crossed your mind too).

If this happens to you, call the police and ask them to meet you at your new location when the moving truck is scheduled to arrive and at a very minimum, make a full report. Their presence alone, may be persuasive enough for the movers to stop their scam peacefully without damaging too many of your possessions.

However, if you are unable to resolve a dispute with a moving company, when either the moving company is based in Maryland or, at least part of the move took place in Maryland, you can contact the Maryland Attorney General's office:

<http://www.marylandattorneygeneral.gov/Pages/CPD/default.aspx>

In fact, here is an account of a fairly recent action taken against a moving company based in Gaithersburg, MD:

<http://www.marylandattorneygeneral.gov/press/2016/030816.pdf>

This document is reprinted here also:



## PRESS RELEASE

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### **Attorney General Sues Moving Company for Refusing to Deliver Goods**

*Best Offer Moving Co. raises prices after estimates and refuses to deliver possessions of objecting customers, according to charges*

**Baltimore, MD (March 8, 2016)** --Maryland Attorney Brian E. Frosh announced today that the Office of the Attorney General Consumer Protection Division has filed charges against Best Offer Moving Company, LLC and its owner, Andrii Dziapka, for demanding a higher price than estimated for delivery of customer possessions, and then refusing to deliver the when consumers objected to the increased prices. Under Maryland law, moving companies cannot refuse to deliver consumers' household goods when the move is within the state.

The Division alleges that Gaithersburg-based Best Offer Moving quotes consumers one price for their moves, then demands significant additional costs and fees for services and packing materials after loading the consumer items on their trucks. The company then refuses delivery if customers do not pay. The Division further alleges that after refusing delivery, the company places goods in storage and seeks additional fees above its already inflated charges.

In one case, the company drove off with the prescription drugs and medical devices of a child with cerebral palsy and other serious health conditions, according to documents filed by the Division.

"Moving is usually a stressful and expensive undertaking, and our laws are designed to protect consumers from companies who make the experience even worse with unscrupulous practices," said Attorney General Frosh. "We will always protect Maryland families against companies that try to exploit them after taking possession of all of their belongings."

The Division alleges that Best Offer Moving's practices violate both the Maryland Consumer Protection Act and the Maryland Household Goods Movers Act. The Division filed a complaint in the Circuit Court for Montgomery County, and administrative charges that will be heard by the Maryland Office of Administrative Hearings.

The Office of the Attorney General is seeking injunctive relief to prevent the company and its owner from refusing to deliver goods and from committing further violations, as well as an order requiring Best Offer Moving to pay restitution to consumers harmed by its alleged unfair and deceptive practices, and civil penalties for alleged violations of the Consumer Protection Act.

The Division has also obtained a temporary restraining order from the Circuit Court for Montgomery County that requires Best Offer Moving Company, LLC to immediately release customer items that it is holding.

Consumers with complaints against Best Offer Moving Company, LLC or Andrii Dziapka may call the Consumer Protection Division at 410-576-6569, [file a complaint online](#), or write to the Consumer Protection Division at 200 St. Paul Place, 16th Floor, Baltimore, MD 21202.

And, another, more recent action against Swift Van Lines for refusing to deliver consumers' goods:

<http://www.marylandattorneygeneral.gov/press/2017/112717a.pdf>

This document is reprinted here as well.



## PRESS RELEASE

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### **Attorney General Frosh Obtains Restraining Order Against Prince George's County Moving Company** *Order Prohibits Swift Van Lines from Refusing to Deliver Consumers' Goods*

**BALTIMORE, MD (November 27, 2017)** – Maryland Attorney General Brian E. Frosh announced today that his Consumer Protection Division has filed charges against Swift Van Lines, LLC (formerly known as Revolution Moving and Storage, LLC), a household goods moving company based in Hyattsville, and its owner, Juan Carlos Martinez, for charging consumers several times the amount the company estimated it would cost to move consumers' goods, and then driving off with consumers' goods if they did not pay the increased demand. Under Maryland law, when a move takes place within the State, a moving company cannot refuse to deliver consumers' household goods after they've been loaded on the truck. Maryland law also places limits on how much movers can charge consumers above their estimates—in most cases movers cannot charge more than 125% of the estimate.

The Division obtained a temporary order from Prince George's County Circuit Court on November, 21 that prohibits the company from failing to deliver consumer goods.

"Moving companies operating in Maryland cannot hold a consumers items hostage," said Attorney General Frosh. "Once a mover has loaded a consumers' goods onto the truck, they *must* deliver the items to their new home for moves within the State of Maryland."

The Attorney General alleges that Swift Van Lines, LLC ("Swift") gave consumers low estimates for moving services, but drastically increased its prices after it loaded customers' items onto its trucks—sometimes charging several times the estimate. The Attorney General further alleged that if consumers refused to pay the increased amounts, Swift refused to deliver the items and instead drove off with the goods still on its trucks. The charges allege that Swift's practices violate both the Maryland Consumer Protection Act and the Maryland Household Goods Movers Act.

The charges seek an order that would permanently prohibit Swift and Martinez from refusing to deliver consumers' goods and from committing further violations of law, as well as an order requiring Swift to pay restitution to consumers harmed by its alleged unfair and deceptive practices. The charges also seek to impose civil penalties for the alleged violations of the Consumer Protection Act.

Consumers with complaints against Swift Van Lines, LLC, Revolution Moving and Storage, LLC, or Juan Carlos Martinez may call the Consumer Protection Division at 410-576-6569, file a complaint online at <https://www.marylandattorneygeneral.gov>, or write to the Consumer Protection Division at 200 St. Paul Place, 16<sup>th</sup> Floor, Baltimore, Maryland 21202.

So, what can be done to avoid the scammers to begin with? Do as much checking, asking around, documenting, and comparing as you can.

- Do as much online research as possible. It's understood that not all the information, ratings, and reviews found online are necessarily accurate however, it is still worth looking into.
- Conduct a careful and critical search of the vetted selections with the government resources listed at the end of the article to further check on past performance and/or current issues.
- Obtain **written** estimates and full information from at least three or four moving companies. Do not do this over the phone or online! Insist that they visit your current residence and see all of your stuff and explain and discuss all the specifics about dates, times, schedules, guarantees, insurance coverage, costs, contingencies, etc. And, who is going to do what packing, should be part of the discussion. The estimator or sales person should give you a copy of a pamphlet entitled: "*Rights and Responsibilities When You Move*" which is required by federal regulations.
- If something seems too good to be true – it is!
- Make sure you have evidence that they have adequate insurance in force. Call their insurance carrier and confirm the information.
- Ensure that they have a physical address for their business operation – not just a P.O. Box. If at all possible, visit that address to confirm it. If that isn't possible, do a little research and find some independent person or entity that you could ask to confirm that they have a physical presence and are known to their neighbors and the community where they are located.

Other sources of assistance include:

American Moving and Storage Association      <http://www.moving.org/>

Moving Company Guide      <http://www.moving-company-guide.com/>

MovingScam.com      <http://www.movingscam.com/>

Move Rescue      <http://www.moverescue.com>

Crazy as it may seem, intrastate movers (moves remaining within boundaries of the state) are not directly regulated by any dedicated agency of government in the state of Maryland. However, there are some legal requirements they are subject to:

### *Maryland Rules and Regulations*

*In the state of Maryland, movers are not regulated and do not need to publish a tariff. The state of Maryland does have 3 regulations. First, the mover must have a notice of insurance or offer additional valuation on the move on their Bill of Lading. Second, the mover cannot enforce a carrier's lien on your move. Last the Bill of Lading must have the moving company's information (address, name, etc.) on there.*

*Moving companies can charge hourly or flat rate because they are not regulated. Effective October 1, 2011, movers in Maryland must give intrastate customers a written estimate, separately pricing each service. The estimate must also state whether it's binding or not.*

*One important thing to remember is that you make sure your local mover carries workers compensation insurance and the proper licensing on equipment and vehicles.*

*To find more information about **Intrastate Moving in Maryland**, you can contact:*

**Maryland Motor Truck Association**, 3000 Washington Boulevard, Baltimore, MD 21230, Phone: (410) 644-4600 [www.mmtanet.com](http://www.mmtanet.com)

**Better Business Bureau of Maryland**, 1414 Key Highway, Ste.100 B, Baltimore, MD 21230, (410) 347-3990, <http://search.bbb.org/search.html>

*For any questions on **Interstate Moves**, and finding a licensed mover, you may contact the:*

**Federal Motor Carrier Safety Administration (FMCSA)**, 1200 New Jersey Avenue SE, Washington, DC 20590, 1-800-832-5660, [www.fmcsa.dot.gov](http://www.fmcsa.dot.gov)

**Protect Your Move (FMCSA)**, [www.protectyourmove.gov](http://www.protectyourmove.gov)

**US Department of Transportation**, 1200 New Jersey Avenue SE,  
Washington, DC 20590, 1-800-877-8339, [www.dot.gov](http://www.dot.gov)

**American Moving & Storage**, Association 1611 Duke Street, Alexandria,  
VA 22314, 1-800-849-2672 [www.moving.org](http://www.moving.org)

The following is a list of related moving industry contacts in Maryland:

### **Attorney General of Maryland**

200 St. Paul Place, Baltimore, MD 21202, (410) 576-6300 or, 1 (888) 743-  
0023 toll-free in Maryland, TDD: (410) 576-6372, [www.oag.state.md.us](http://www.oag.state.md.us)

**Maryland Chamber of Commerce**, 60 West Street, Suite 100, Annapolis,  
MD 2140, (410) 269-0642, [www.mdchamber.org](http://www.mdchamber.org)

### **County Offices**

**Howard County Office of Consumer Affairs**, 6751 Columbia Gateway  
Drive, Columbia, MD 21046, 410-313-6420, [www.howardcountymd.gov](http://www.howardcountymd.gov)

**Montgomery County Office of Consumer Protection**, 100 Maryland  
Ave., Suite 330, Rockville, MD 20850, 240-777-3636, 240-777-3681  
(anonymous consumer tip line), [www.montgomerycountymd.gov/consumer](http://www.montgomerycountymd.gov/consumer)

**Commissioner of Financial Regulation**, 500 North Calvert St., Suite 402,  
Baltimore, MD 21202, 410-230-6100

**Insurance Administration**, 525 St. Paul Place, Baltimore, MD 21202, 410-  
468-2000, 1-800-492-6116, [www.mdinsurance.state.md.us](http://www.mdinsurance.state.md.us)

**Office of the Attorney General**, 200 Saint Paul Place, Baltimore, MD  
21202-2020, 410-576-6360, 1-888-743-0023 (MD), [www.oag.state.md.us](http://www.oag.state.md.us)

**Public Service Commission**, 6 St. Paul St., 16th Floor, Baltimore, MD  
21202-6806, 410-767-8000, 1-800-492-0474, [www.psc.state.md.us](http://www.psc.state.md.us)

## **DISCLAIMER**

**John P. Hale is a licensed real estate agent in Maryland and Pennsylvania. He is affiliated with Coldwell Banker Residential Brokerage in Westminster, Maryland. John has been licensed since 2000 and also practiced in Tucson, Arizona for many years. Mr. Hale holds the following designations and certifications awarded by the National Association of REALTORS® (NAR) and other authorized institutions: ABR-Accredited Buyers Representative, AHWD-At Home With Diversity, CNE-Certified Negotiation Expert, CRMS-Certified Risk Management Specialist, CRS-Certified Residential Specialist, CTA-Certified Tourism Ambassador, e-PRO-Online Real Estate Practice, GRI-Graduate of Realtor Institute, MRE-Master of Real Estate, MREP-Mortgage Real Estate Professional, and MRP-Military Relocation Professional.**

**Please note that this article was written by John to provide objective information and to also reflect his opinion of good practice at the time of its' writing for the general benefit of those considering sale or purchase of real estate. It is not intended as definitive legal advice and you should not act upon it as such without seeking independent legal and financial counsel. Frequent changes in the law and standards of practice may cause this information to become outdated and no longer applicable or incorrect.**