

**BEFORE THE
FEDERAL MARITIME COMMISSION**

DOCKET NO. 15-10

**REVOCATION OF LICENSE NO. 017843
WASHINGTON MOVERS, INC.**

**MOTION FOR LEAVE TO FILE A REPLY THE TO BUREAU OF
ENFORCEMENT'S MEMORANDUM OF LAW**

Washington Movers International, Inc. ("Washington Movers") respectfully moves the Federal Maritime Commission (the "Commission") to grant it leave to reply to the Bureau of Enforcement's (the "BOE") Memorandum of Law and requests a corresponding hearing to preserve its rights. Washington Movers attaches hereto its draft Reply to the BOE's Memorandum of Law. See Exhibit 1. In support, Washington Movers states:

1. On October 8, 2015, the Commission served Washington Movers with an Order to Show Cause (the "Order") relating to the possible revocation of Washington Movers' license no. 017843 (the "License").
2. The Order revolved around Sam Ghanem's misconduct and Washington Movers' failure to notify the Commission of its name change from Washington Movers, Inc. to Washington Movers International, Inc.

3. On November 2, 2015, Washington Movers replied to the Order, informing this Commission of the business's independence from Sam Ghanem and the harmlessness of its name change.
4. On November 17, 2015, the BOE responded to Washington Movers' memorandum and asked the Commission to notice outdated documents showing Sam Ghanem as Washington Movers' owner and president.
5. Washington Movers is no longer owned or under the control of Sam Ghanem, and should not be penalized for his independent transgressions.
6. As of December 31, 2013, Norma Ghanem owns one-hundred percent (100%) of Washington Movers.
7. As of January 1, 2014, Norma Ghanem became the sole officer (President, Secretary, and Treasurer) and director of Washington Movers. Sam Ghanem neither owns any interest in Washington Movers, nor serves as an officer or director of Washington Movers. Washington Movers is Norma Ghanem's business. Any reference to Washington Movers' 2014 annual report is misleading given that it presented information from 2013. Washington Movers' 2015 annual report, attached to its draft Reply to the BOE's Memorandum of Law, reflects Washington Movers' status in 2014.
8. As soon as Sam Ghanem's name became associated with possible criminal conduct, Norma Ghanem, along with Washington Movers' staff, took control to preserve the business.
9. Under Norma Ghanem's leadership, Washington Movers has actively sought to comply with state and federal regulations and correct its previous failures to do so.
10. Washington Movers reply to the BOE's Memorandum of Law is intended to rebut the BOE's allegations concerning Washington Movers' corporate structure and ownership.

Washington Movers also intends to provide legal guidance from Federal courts' concerning due process and respect for distinct corporate forms; namely, that an individual cannot be punished for the transgressions of another.

11. Norma Ghanem and Washington Movers are committed to complying with the Commission's regulations and providing quality service to their clients by arranging shipments of medical supplies, household goods, automobiles, and maritime equipment from the United States to five continents. Washington Movers should not be punished, and the livelihood of multiple individuals should not be threatened, for Sam Ghanem's independent conduct.

WHEREFORE, Washington Movers requests that the Commission grant it leave to file a reply to the BOE's memorandum of law. Washington Movers therefore requests that the draft Reply to the BOE's Memorandum of Law as filed herewith be treated as filed with the Commission upon its ruling on this motion. Washington Movers requests that the Commission also grant Washington Movers' request for a hearing so that any forthcoming decision is made with the benefit of a complete and accurate record, as at least certain of the corporate records the BOE relies upon are outdated, or soon will be.

DATED: November 24, 2015

Respectfully Submitted,



George R.A. Doumar, VSB #26490

Raj H. Patel, VSB #87893

Doumar Martin PLLC

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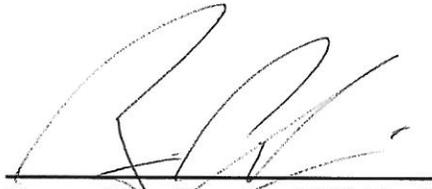
CERTIFICATE OF SERVICE

I certify that I served a copy of the foregoing “Motion for Leave to File a Reply to the Bureau of Enforcement’s Memorandum of Law” on November 24, 2015 via e-mail to secretary@fmc.gov and will hand deliver the original copy and 5 additional copies within 7 working days to:

Secretary, Federal Maritime Commission,
800 N. Capitol Street, NW.,
Washington, DC 20573-0001

I further certify that I served a copy of the foregoing “Motion for Leave to File a Reply to the Bureau of Enforcement’s Memorandum of Law” on November 24, 2015 via first class mail, postage prepaid to the following:

Peter J. King, Director
Brian L. Troiano, Deputy Director
Bureau of Enforcement
Federal Maritime Commission
800 N. Capitol Street, NW
Washington, DC 20573



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Tel: 703-243-3737
Fax: 703-524-7610
gdoumar@doumarmartin.com

Exhibit 1

**BEFORE THE
FEDERAL MARITIME COMMISSION**

DOCKET NO. 15-10

**REVOCATION OF LICENSE NO. 017843
WASHINGTON MOVERS, INC.**

**REPLY THE TO BUREAU OF ENFORCEMENT'S
MEMORANDUM OF LAW**

Washington Movers International, Inc. respectfully replies to the Bureau of Enforcement's (the "BOE") Memorandum of Law and requests a corresponding hearing to preserve its rights.

INTRODUCTION

Washington Movers is a separate, distinct female-owned Virginia corporation. Sam Ghanem's individual conduct is independent of Washington Movers. Only Sam Ghanem was charged. Only Sam Ghanem was convicted. Only Sam Ghanem was alleged to have acted in a criminal capacity. This Commission should not punish Washington Movers, nor threaten the livelihood of multiple individuals, because of the Sam Ghanem's transgressions.

Since December 2013, Norma Ghanem has served as Washington Movers' sole owner, officer, and director. See Attachment 1. Under Norma Ghanem's leadership, Washington Movers employs four individuals, transports a range of goods from wheelchairs to household goods to five continents, and is committed to complying with the Commission's regulations. None of the current employees, nor Norma Ghanem herself, were ever implicated in Sam Ghanem's conduct.

MEMORANDUM OF LAW

I. Washington Movers Is Not Sam Ghanem and Cannot Be Punished For Sam Ghanem's Misconduct

Washington Movers is a distinct corporate entity, who cannot be punished for the actions of a third party.

The Supreme Court of the United States steadfastly respects and protects the distinct corporate identity. Burnet v. Clark, 287 U.S. 410 (1932) ("A corporation and its stockholders are generally to be treated as separate entities"); see First Nat'l Bank v. Bellotti, 435 U.S. 765 (1978); See also, Citizens United v. FEC, 558 U.S. 310 (2010).

The United States Congress similarly makes clear: "In determining the meaning of any Act of Congress, unless the context indicates otherwise... the words "person" and "whoever" include corporations, companies, associations, firms, partnerships, societies, and joint stock companies, as well as individuals." 1 USCS § 1.

Protected by the laws of the United States, Washington Movers cannot be punished for the actions of another. Gebser v. Lago Vista Indep. Sch. Dist. proves instructive. Gebser v. Lago Vista Indep. Sch. Dist., 524 U.S. 274 (1998). In Gebser, a teacher at the school district initiated sexual contact with the student. Id. at 278-279. The teacher and the student had intercourse during class time, although never on school property. Id. The student did not report the relationship to school officials. Id. After a police officer discovered the student and the teacher engaged in sexual intercourse, the teacher was arrested and terminated from employment. Id. The United States Supreme Court found that the student was not allowed to recover for sexual harassment by one of the district's teachers unless an official of the district had actual notice of and was deliberately indifferent to the misconduct. Id. at 290-292.

Similarly, in this case, no employee or officer of Washington Movers had notice of Sam Ghanem's conduct. Sam Ghanem's criminal conduct took place off site, and on the weekend, when Washington Movers was closed. Without any notice, constructive or otherwise, Washington Movers' employees and officers had no reason to scrutinize Sam Ghanem, and are not at fault for not stopping Sam Ghanem's criminal conduct.

The BOE disagrees with the foregoing, and without citing any precedent, pontificates that "The Commission's regulations are premised on a basic principle that a corporate entity as a legal fiction can act only through individuals." Notably, in this case, the only affirmative actor in the criminal conduct was Sam Ghanem. Despite its status as an individual or person, no indictment was levied upon Washington Movers. It was not tried for the charges Sam Ghanem was convicted of. The BOE would have this Commission forego the principal of Due Process, a constitutionally protected right. This Commission should not entertain the BOE's conclusory statement and disregard the distinction between Sam Ghanem and Washington Movers. Washington Movers should not be deprived of its property, in the form of its license, and expectation of future business because a third party broke the law.

II. Washington Movers' Name Change Is Inconsequential

Washington Movers name change from Washington Movers, Inc. to Washington Movers International, Inc. impacted no one. Washington Movers' License is not under scrutiny because of its name change, but rather because of Sam Ghanem's misconduct. Washington Movers untimely notification to the Commission of its name change, under no circumstances, warrants revocation of its License.

Prior decisions have held that revoking or suspending an OTI license should be limited to the most egregious circumstances, including materially misrepresenting information regarding their

qualifications. In the Matter of Ocean Transportation License in the Name of Apparel Logistics, Inc., Petition for Appeal from Staff Action or in the Alternative for Initiation of an Investigation, 30 S.R.R. 567, 570 (FMC 2004); see also Stallion Cargo, Inc. - Possible Violations of Sections 10(a)(1) and 10 (b) (1) of the Shipping Act of 1984, 29 S.R.R. 665, 683-84 (FMC 2001).

Washington Movers untimely notification of its name change is neither egregious nor a material misrepresentation of its qualifications. Washington Movers has generally continued business under the same name and there was and is no risk of any confusion. Washington Movers name change had no effect on its qualifications as an ocean transport intermediary and should play no role in the Commissions' decision related to Washington Movers' License.

Under Norman Ghanem's leadership, Washington Movers has reported its name change to the Bureau of Licensing and has made efforts to cooperate with the Commission at large. Washington Movers will continue to work with the Commission to make certain it is in compliance with all applicable regulations moving forwards.

DATED: November 24, 2015

Respectfully Submitted,



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Attachment 1



Commonwealth of Virginia State Corporation Commission

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SCC eFile > Entity Search > Entity Details

[Login](#) | [Create an Account](#)



SCC eFile Business Entity Details

Washington Movers International, Inc.

General

SCC ID: 04688388
Entity Type: Corporation
Jurisdiction of Formation: VA
Date of Formation/Registration: 7/11/1996
Status: Active
Shares Authorized: 1000

Select an action

- [File a registered agent change](#)
- [File a registered office address change](#)
- [Resign as registered agent](#)
- [File an annual report](#)
- [Pay annual registration fee](#)
- [Order a certificate of good standing](#)
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- [View eFile transaction history](#)
- [Manage email notifications](#)

Principal Office

6714 FORSYTHIA ST
SPRINGFIELD VA22150

New Search

Home

Registered Agent/Registered Office

NORMA S. GHANEM
6714 FORSYTHIA STREET
SPRINGFIELD VA 22150
FAIRFAX COUNTY 129
Status: Active
Effective Date: 11/20/2015

2015 ANNUAL REPORT
COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION



1. CORPORATION NAME
 Washington Movers International, Inc.

DUE DATE: 7/31/2015

SCC ID NO.: 0468838-8

2. VA REGISTERED AGENT NAME AND ADDRESS: OFFICER.

SAM R GHANEM
 6714 FORSYTHIA ST
 SPRINGFIELD VA 22150

5. STOCK INFORMATION:

CLASS	AUTHORIZED
COMMON	1,000

3. CITY OR COUNTY OF VA REGISTERED OFFICE:
 129 - FAIRFAX COUNTY

4. STATE OR COUNTRY OF INCORPORATION:
 VA - VIRGINIA

DO NOT ATTEMPT TO ALTER THE INFORMATION ABOVE. Carefully read the enclosed instructions. Type or print in black only.

6. PRINCIPAL OFFICE ADDRESS:

<input checked="" type="checkbox"/> Mark this box if address shown below is correct	If address is blank or incorrect, add or correct below.
ADDRESS: 6714 FORSYTHIA ST	ADDRESS:
CITY/ST/ZIP: SPRINGFIELD VA 22150	CITY/ST/ZIP:

7. DIRECTORS AND PRINCIPAL OFFICERS:

All directors and principal officers must be listed.
 An individual may be designated as both a director and an officer.

Mark appropriate box unless area below is blank: <input type="checkbox"/> Information is correct <input type="checkbox"/> Information is incorrect <input checked="" type="checkbox"/> Delete information	If information at lower left is incorrect or blank, please mark appropriate box and enter information below: <input type="checkbox"/> Correction <input type="checkbox"/> Addition <input type="checkbox"/> Replacement
NAME: SAM GHANEM OFFICER <input checked="" type="checkbox"/> DIRECTOR <input checked="" type="checkbox"/> TITLE: P/T ADDRESS: 6714 FORSYTHIA ST CITY/ST/ZIP: SPRINGFIELD VA 22150	NAME: OFFICER <input type="checkbox"/> DIRECTOR <input type="checkbox"/> TITLE: ADDRESS: CITY/ST/ZIP:

I affirm that the information contained in this report is accurate and complete as of the date below.

SIGNATURE OF DIRECTOR/OFFICER LISTED IN THIS REPORT

Norma Gharem
 PRINTED NAME AND TITLE

11-20-15
 DATE

It is a Class 1 misdemeanor for any person to sign a document that is false in any material respect with intent that the document be delivered to the Commission for filing.

CORPORATE NAME:
Washington Movers International, Inc.

DUE DATE: 7/31/2015
SCC ID NO.: 0468838-8

7. DIRECTORS AND PRINCIPAL OFFICERS (continued):

All directors and principal officers must be listed.
An individual may be designated as both a director and an officer.

Mark appropriate box unless area below is blank: <input type="checkbox"/> Information is correct <input checked="" type="checkbox"/> Information is incorrect <input type="checkbox"/> Delete Information	If information at lower left is incorrect or blank, please mark appropriate box and enter information below: <input type="checkbox"/> Correction <input checked="" type="checkbox"/> Addition <input type="checkbox"/> Replacement
NAME: NORMA GHANEM OFFICER <input checked="" type="checkbox"/> DIRECTOR <input checked="" type="checkbox"/> TITLE: OFFICE MNGR ADDRESS: 6714 FORSYTHIS ST CITY/ST/ZIP: SPRINGFIELD VA 22150	NAME: Norma Ghanem OFFICER <input checked="" type="checkbox"/> DIRECTOR <input checked="" type="checkbox"/> TITLE: President/ Secretary/ Treasurer ADDRESS: 6714 Forsythia Street CITY/ST/ZIP: Springfield, VA 22150
NAME: SONIA KAOVECH OFFICER <input checked="" type="checkbox"/> DIRECTOR <input type="checkbox"/> TITLE: EXPORT MANAGER ADDRESS: 12764 WOOD HOLLOW DRIVE APT 1525 CITY/ST/ZIP: WOODBIDGE VA 22192	NAME: OFFICER <input type="checkbox"/> DIRECTOR <input type="checkbox"/> TITLE: ADDRESS: CITY/ST/ZIP:
NAME: SANDRA RODRIGUEZ OFFICER <input checked="" type="checkbox"/> DIRECTOR <input type="checkbox"/> TITLE: ACCOUNTING ADDRESS: 2404 LADYMEADE DR CITY/ST/ZIP: SILVER SPRING MD 20906	NAME: OFFICER <input type="checkbox"/> DIRECTOR <input type="checkbox"/> TITLE: ADDRESS: CITY/ST/ZIP:
NAME: OFFICER <input type="checkbox"/> DIRECTOR <input type="checkbox"/> TITLE: ADDRESS: CITY/ST/ZIP:	NAME: OFFICER <input type="checkbox"/> DIRECTOR <input type="checkbox"/> TITLE: ADDRESS: CITY/ST/ZIP: