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September 12, 2016					
FEDERAL MARITIME COMMISSION					

**FEDERAL MARITIME COMMISSION**

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**DOCKET NO. 15-10**

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**REVOCATION OF OCEAN TRANSPORTATION INTERMEDIARY  
LICENSE NO. 017843 – WASHINGTON MOVERS, INC.**

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**CHANGES TO PRELIMINARY FINDINGS OF FACT,  
IDENTIFICATION OF SECOND SET OF EXHIBITS, and  
SECOND SET OF PRELIMINARY FINDINGS OF FACT**

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On October 8, 2015, the Commission ordered respondent Washington Movers, Inc. (Washington Movers) to show cause why the Commission should not revoke its ocean transportation intermediary (OTI) license due to the felony weapons smuggling convictions of its qualifying individual Sam Ghanem and various other alleged regulatory violations. Washington Movers responded to the order and on February 12, 2016, the Commission assigned this matter to the Office of Administrative Law Judges “to consider whether further submissions are necessary, to determine whether an evidentiary hearing is warranted, to make factual findings, and to issue an Initial Decision regarding revocation of Washington Movers’ OTI license.” *Revocation of Ocean Transportation Intermediary License No. 017843 – Washington Movers, Inc.*, FMC No. 15-10 (FMC Feb. 12, 2016) (*Washington Movers*).

The undersigned ordered the parties to serve and file statements identifying further submissions the parties believed were necessary to complete the record upon which an initial decision can be made and ordered the parties to appear through counsel for a status conference. *Washington Movers*, FMC No. 15-10 (ALJ Feb. 18, 2016) (Initial Order). The parties appeared on March 23, 2016. During the conference, the undersigned assigned exhibit numbers to the documentary evidence that had already been submitted by the parties. The parties were also asked whether they agreed with preliminary findings of fact that had been formulated by the undersigned. The exhibits and tentative findings were set forth in an order issued after the conference and the parties were instructed to state any objections to the preliminary findings on or before April 7, 2016. *Washington Movers*, FMC No. 15-10 (ALJ Mar. 25, 2016) (Exhibits and Preliminary Findings of Fact). The parties also agreed to a discovery schedule and Washington Movers agreed to serve and file specific documents:

Metadata for Washington Movers exhibits A (12/31/13 Stock Transfer Agreement) and B (01/01/14 Directors' consent to transfer shares)

Bank signature card identifying the Washington Movers's official who had signature authority on Washington Movers's bank accounts for 2014 and 2015

Electronic Federal Tax Payment System Information, *see* WM Ex. E, or other evidence identifying the Washington Mover official or officials who signed Washington Movers's tax returns for tax years 2013 and 2014

Certificates of Liability Insurance for Washington Movers, *see* WM Ex. F, for 2014 and 2015

*Washington Movers*, FMC No. 15-10 (ALJ Mar. 25, 2016) (Discovery Schedule).

#### **I. ADDITIONAL DOCUMENTARY EVIDENCE IDENTIFIED AS EXHIBITS.**

To clarify the record, at the status conference held on March 23, 2016, the undersigned gave exhibit numbers to the documents the parties had filed as after issuance of the order to show cause. BOE exhibits were assigned numbers and Washington Movers exhibits were assigned letters. The parties were instructed to identify subsequent exhibits in the same manner. March 23, 2016, Transcript at 94-95. *See also Washington Movers*, FMC No. 15-10, Exhibits at 3 (ALJ Mar. 25, 2016) (Exhibits and Preliminary Findings of Fact) ("Any additional Washington Movers exhibits filed should continue with WM Ex. H.").

##### **A. Additional BOE Exhibits.**

BOE has filed the following additional exhibits and they are included in the record.

BOE Ex. 9 Washington Movers' 2015 Annual Report to the Commonwealth of Virginia State Corporation Commission (file stamped February 16, 2016)

BOE Ex. 18 Certificate of Service for Bureau of Enforcement's First Requests for Admission Directed to Washington Movers, Inc. (served April 13, 2016)

BOE Ex. 19 Certificate of Service for Bureau of Enforcement's Interrogatories and Requests for Production of Documents Directed to Washington Movers, Inc. (served April 13, 2016)

BOE Ex. 20 Washington Movers International, Inc.'s Objections and Responses to the Bureau of Enforcement's Requests for Admission Nos. 1-52

- BOE Ex. 21 Washington Movers International, Inc.'s Objections and Responses to the Bureau of Enforcement's Requests for the Production of Documents Nos. 1-16
- BOE Ex. 22 Washington Movers International, Inc.'s Objections and Answers to the Bureau of Enforcement's Interrogatories Nos. 1-26
- BOE Ex. 23 Bureau of Enforcement's First Interrogatories and Requests for Production of Documents Directed to Washington Movers, Inc.
- BOE Ex. 24 CD Enclosed Hard Copy
- BOE Ex. 25 List of Contents of CD Containing Documents in Response to the Bureau of Enforcement's Request for Production of Documents

On July 27, 2016, BOE was ordered to file copies of any service contracts signed by Sam Gahnem in 2014 and 2015. BOE filed the contracts on August 9, 2016, but did not give them exhibit numbers. The contracts are given the following exhibit numbers.

- BOE Ex. 26 Mediterranean Shipping Company service contract 14-425WW with Washington Movers, Inc.
- BOE Ex. 27 Mediterranean Shipping Company service contract 14-425WW with Washington Movers, Inc., AMN 1
- BOE Ex. 28 Mediterranean Shipping Company service contract 15-1070TE with Washington Movers, Inc.
- BOE Ex. 29 Mediterranean Shipping Company service contract 15-1070TE with Washington Movers, Inc., AMN 1
- BOE Ex. 30 Turkon America, Inc. service contract No. 2014-667 with Washington Movers, Inc., signed April 7, 2014
- BOE Ex. 31 United Arab Shipping Co. service contract 2013 0000252641 with Washington Movers, Inc., signed April 28, 2014

The undersigned understands that BOE has given exhibit numbers 10-17 to exhibits that have not yet been made part of the record. BOE is ordered to serve and file these exhibits on or before September 28, 2016.

Any additional BOE exhibits filed should continue with BOE Ex. 32.

**B. Additional Washington Movers Exhibits.**

**1. Exhibits filed in response to the March 25, 2016, Discovery Schedule.**

Washington Movers filed the following new exhibits on April 7, 2016, in response to the March 25, 2016, Discovery Schedule, but did not mark them.

- WM Ex. H Metadata for Washington Stock Transfer Agreement and Washington Movers Unanimous Written Consent in Lieu of Meeting of Directors, Document containing Metadata Information
- WM Ex. I Letter dated March 23, 2016, from Industrial Bank stating that Norma Ghanem is the only authorized signer on the Washington Movers business checking account
- WM Ex. J Industrial Bank Business Account Signature Card for Washington Movers, Inc. small business checking account signed by Norma Ghanem dated March 23, 2016, indicating account opened November 12, 2014, and Norma Ghanem is the authorized signer for the account
- WM Ex. K Washington Movers, Inc., corporate authorization resolution signed by Norma Ghanem dated March 23, 2016, for Industrial Bank checking account stating that Norma Ghanem/Owner is authorized to exercise powers over the account for Washington Movers
- WM Ex. L Industrial Bank Business Account Signature Card for Washington Movers, Inc. small business checking account signed by Sam Ghanem dated August 14, 2015, indicating account opened November 12, 2014, adding a signer and stating that Sam Ghanem and Norma Ghanem are the authorized signers for the account
- WM Ex. M Washington Movers, Inc., corporate authorization resolution signed by Sam Ghanem and Norma Ghanem dated August 14, 2015, for Industrial Bank checking account stating that Sam Ghanem/President and Norma Ghanem/Vice President are authorized to exercise powers over the account for Washington Movers
- WM Ex. N 2014 Maryland Combined Registration Form Application for Washington Movers, Inc., dated November 4, 2015
- WM Ex. O Acord Corp. Certificate of Liability Insurance for Washington Movers Norma Ghanem International Inc., dated April 7, 2016

Washington Movers also submitted additional copies of WM Ex. E (with a different method of redacting PII) and WM Ex. F with the response. These submissions have not been given a second exhibit identification.

**2. Exhibits filed on June 23, 2016, with Certificate of Service for Respondent's Supplemental Production of Documents**

- WM Ex. P 2015 Form W-2 Wage and Tax Statement issued by Washington Movers, Inc., to Norma Ghanem
- WM Ex. Q 2015 Form W-3 Transmittal of Wage and Tax Statement for Washington Movers, Inc.
- WM Ex. R 2014 1099-MISC Miscellaneous Income Form issued by Washington Movers, Inc., for Sandra Rodriguez
- WM Ex. S Redacted United States Department of Justice Federal Bureau of Investigation Form FD-597 Receipt for Property Received/Returned/Released/Seized Identifying Items Seized from Sam Ghanem, Dated December 21, 2013

Washington Movers also submitted an additional copy of WM Ex. N. This submission has not been given a second exhibit identification.

**3. Exhibits filed on August 9, 2016, with Respondent's Supplemental Responses to the Bureau of Enforcement's Discovery Requests.**

- WM Ex. T Industrial Bank Business Account Signature Card for Washington Movers, Inc. small business checking account dated November 12, 2014, indicating account opened November 12, 2014, adding a signer and stating that Sam Ghanem is the authorized signer for the account
- WM Ex. U Washington Movers, Inc., corporate authorization resolution signed by Sam R. Ghanem dated November 10, 2014, for Industrial Bank checking account stating that Sam R. Ghanem is authorized to exercise powers over the account for Washington Movers
- WM Ex. V Screen shot of BB&T record of Washington Movers account open between May 2011 and February 2014 on which Sam Ghanem and Norma Ghanem were authorized signers

WM Ex. W Checking summary of Washington Movers International, Inc., account at PNC Bank open from October 2014 to November 2014 on which Sam Ghanem was the authorized signer

Washington Movers also submitted additional copies of WM Ex. I, J, K, L, and M. These submissions have not been given a second exhibit identification.

Any additional Washington Movers exhibits filed should continue with WM Ex. X.

## **II. CHANGES TO MARCH 25, 2016, PRELIMINARY FINDINGS OF FACT.**

BOE and Washington Movers filed responses to the preliminary findings of fact. (BOE Response to Exhibits and Preliminary Findings of Fact (filed April 7, 2016); WM Production Pursuant to March 25, 2016, Discovery Schedule & Response to Exhibits and Preliminary Findings of Fact (filed April 7, 2016).) BOE states that the dates set forth in findings 38 and 39 should be June 10, 2014, not June 6, 2014. Washington Movers agrees with BOE regarding findings 38 and 39. Based on the parties' responses, preliminary findings of fact 38 and 39 are changed to indicate that June 10, 2014, is the signature date.

38. The 2014 Annual Report prepared for Washington Movers by the SCC indicates that at the time the report was prepared prior to June 10, 2014, information on file with the SCC identified Norma Ghanem as an officer and director and Sajih Ghanem, Hanan Halabi, and Sandra Rodriguez as officers of Washington Movers. (BOE Ex. 4.)
39. On June 10, 2014, Sam Ghanem signed the 2014 Annual Report for Washington Movers International, Inc., affirming that the information contained in the report is accurate and complete as of that date. (BOE Ex. 4.)

BOE states that findings 44 and 46 are identical. Washington Movers agrees. Based on the parties' responses and my examination, preliminary finding of fact 46 is deleted as it duplicates 44. Numbering of subsequent findings is not changed.

BOE states that a file-stamped copy of WM Ex. D indicates that Washington Movers' 2015 Annual Report to the Commonwealth of Virginia State Corporation Commission on which finding 52 is based indicates that the report was filed with the SCC on February 16, 2016. (BOE Response to Exhibits and Preliminary Findings of Fact (filed April 7, 2016), BOE Ex. 9.) Washington Movers states it does not agree with BOE's assertion that the 2015 Annual Report was filed with the SCC on February 16, 2016. The February 16, 2016, filing date is file-stamped on BOE Ex. 9 attached to BOE's response. Based on this filing date, preliminary finding 52 is changed to state:

52. On February 16, 2016, Washington Movers submitted the 2015 Annual Report to the Commonwealth of Virginia State Corporation Commission. (WM Ex. D; BOE Ex. 9.)

The preliminary findings of fact in the Exhibits and Preliminary Findings of Fact served March 25, 2016, as amended above, are found to be established for this proceeding.

### **III. ADDITIONAL PRELIMINARY FINDINGS OF FACT.**

The undersigned has made the following preliminary findings of fact based primarily on the exhibits identified above. The parties are given the opportunity to review the preliminary findings of fact. On or before September 28, 2016, each party is instructed to serve and file a statement stating whether they stipulate to these findings. Any finding to which a party does not stipulate should be set out in full with a citation to traversing evidence. The traversing evidence must be served and filed with the statement.

57. Sam Ghanem was an authorized signer on a Washington Movers, Inc., bank account with BB&T Bank from May 2011 to February 2014. (Respondent's Supplemental Responses to the Bureau of Enforcement's Discovery Requests at 3.)
58. Sam Ghanem was the only authorized signer on a Washington Movers, Inc., bank account with SunTrust Bank from February 2014 to October 2014. (Respondent's Supplemental Responses to the Bureau of Enforcement's Discovery Requests at 3.)
59. Sam Ghanem was the only authorized signer on a Washington Movers, Inc., bank account with PNC Bank from October 2014 to November 2014. (Respondent's Supplemental Responses to the Bureau of Enforcement's Discovery Requests (filed August 9, 2016) at 3.)
60. On November 12, 2014, Sam Ghanem opened a business checking account for Washington Movers, Inc., at Industrial Bank for which Sam Ghanem was the only authorized signer. (WM Ex. T, U.)
61. On August 14, 2015, Norma Ghanem was added to Washington Movers, Inc.'s Industrial Bank account as an authorized signature and Sam Ghanem remained on the account as a signer. (WM Ex. L, M.)
62. On March 23, 2016, Sam Ghanem was deleted as an authorized signature from Washington Movers' Industrial Bank account. (WM Ex. J, K.)
63. As representative of Washington Movers, Inc., Sam Ghanem signed Mediterranean Shipping Company service contract 14-425WW with Washington Movers, Inc. (BOE Ex. 26.)
63. As representative of Washington Movers, Inc., Sam Ghanem signed Mediterranean Shipping Company service contract 14-425WW, amendment 1, with Washington Movers, Inc. (BOE Ex. 27.)

64. As representative of Washington Movers, Inc., Sam Ghanem signed Mediterranean Shipping Company service contract 15-1070TE with Washington Movers, Inc. (BOE Ex. 28.)
65. As representative of Washington Movers, Inc., Sam Ghanem signed Mediterranean Shipping Company service contract 15-1070TE, amendment 1, with Washington Movers, Inc. (BOE Ex. 29.)
66. As representative of Washington Movers, Inc., on April 7, 2014, Sam Ghanem signed Turkon America Inc service contract No. 2014-667 with Washington Movers, Inc. (BOE Ex. 30.)
67. As representative of Washington Movers, Inc., on April 28, 2014, Sam Ghanem signed United Arab Shipping Co. service contract 2013 0000252641 with Washington Movers, Inc. (BOE Ex. 31.)
68. In 2014, Sam Ghanem signed federal and state income tax returns for tax year 2013 on behalf of Washington Movers, Inc. (Respondent's Supplemental Responses to the Bureau of Enforcement's Discovery Requests (filed August 9, 2016) at 1.)

  
Clay G. Guthridge  
Administrative Law Judge