



# FMCSA Operation Protect Your Move **Final Report**

Nationwide Enforcement Initiative

August 2023



U.S. Department of Transportation  
Federal Motor Carrier Safety Administration



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# Executive Summary

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Ahead of the busy summer moving season, the Federal Motor Carrier Safety Administration (FMCSA)'s Commercial Enforcement Division conducted "Operation Protect Your Move" from March 20, 2023, through April 7, 2023. Operation Protect Your Move (OPYM) was a nationwide enforcement initiative focused on investigating the household goods (HHG) carriers and brokers with the most egregious records of complaints in FMCSA's National Consumer Complaint Database (NCCDB), as well as those with serious safety deficiencies, as identified by the HHG Top 100 Carriers list. These carriers are referred to as "OPYM carriers" throughout this report.

FMCSA conducted investigations in 16 States to address the significant increase in NCCDB "HHG hostage complaints"—reports of movers holding household possessions hostage to extort exorbitant additional charges from consumers. To support USDOT's National Roadway Safety Strategy (NRSS) objectives of safer people and safer vehicles, FMCSA investigators also addressed complaints against moving companies and brokers that are not in compliance with Federal safety and consumer protection regulations and statutes while transporting household goods. The initiative targeted both movers and the brokers that claim to connect consumers to local movers but instead take advantage of consumers and facilitate fraud by promoting scams.

As a result of OPYM, FMCSA conducted 97\* total investigations and addressed 494 HHG complaints (289 non-hostage complaints; 205 hostage complaints).

Approximately 80 FMCSA employees were directly involved in OPYM. These employees included Safety Investigators, Federal Program Specialists, Division Administrators, Enforcement Program Specialists, and Legal and Headquarters personnel. Texas participated in OPYM as a State Partner.

*\*Count includes four investigations on brokers that are not visible in ACE or CAPRI or reflected in the remainder of the analysis throughout this report.*



# Key Findings

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- OPYM supported the NRSS objectives of safer people and safer vehicles by identifying 31 out-of-service (OOS) driver violations and 28 commercial motor vehicle (CMV) OOS violations, resulting in 14 unsafe drivers and 16 noncompliant CMVs being placed OOS (many drivers and CMVs had multiple OOS violations).
- As a result of OPYM, 72.9 percent of the HHG complaints specific to the OPYM carriers were addressed.
- Approximately 47 percent of the total OPYM investigations featured cross-state (“borderless”) collaboration. Increased borderless collaboration allows FMCSA to address a larger number of HHG complaints about unsafe, fraudulent, and noncompliant carriers and brokers.
- OPYM investigations identified a significant number of both commercial and safety violations (1,014 combined total).
- FMCSA utilized a variety of enforcement tools for OPYM, including notices of violations (NOVs), letters of probable violations (LOPVs), notices of claims (NOCs), and 13905s (the statute giving FMCSA the authority to revoke or suspend a regulated entity’s operating authority registration).
- Several high-impact States were identified and efforts by Division Administrators to work with the State agencies on memorandums of understanding is ongoing.



# Operation Goals and Evaluation Metrics

## REPORT SCOPE

While OPYM was conducted from March 20, 2023 through April 7, 2023, the data spans a wider timeframe (March 1 through April 30, 2023) to allow time to close OPYM-related investigations and take appropriate follow-on action. The analysis team evaluated OPYM using a set of metrics that align with the initiative's goals, which are summarized below.



### GOAL 1

**Prioritize safety and commercial compliance**

- Did OPYM target the worst reported offenders to protect the moves of American people?
- How did OPYM support the NRSS and its objectives of safer people and safer vehicles?
- How did OPYM improve safety and commercial compliance?



### GOAL 2

**Address HHG complaints reported to NCCDB**

- How did OPYM address the inventory of HHG complaints in the NCCDB that have not been previously reviewed?



### GOAL 3

**Demonstrate increased HHG enforcement presence & tools**

- Did OPYM utilize expanded HHG enforcement presence and tools?



### GOAL 4

**Expand HHG investigation capacity**

- How did OPYM increase capacity, both within FMCSA and via partnerships, to do HHG investigations?



# Findings



## GOAL 1

### Prioritize safety and commercial compliance

OPYM targeted the worst reported offenders to protect the moves of the American people.

Figure 1 shows that OPYM targeted 142 distinct HHG carriers and brokers across the Nation. The OPYM carriers and brokers were identified based on their NCCDB complaint records and status on the HHG Top 100 Carrier list. States with the highest concentration of targeted carriers were New Jersey, Florida, California, and Texas.

The OPYM team conducted investigations on 64.1 percent of the targeted OPYM carriers and conducted inspections on 31 percent of OPYM carriers, based on the distinct counts of HHG carriers (Figure 1).

**64.1%**  
of OPYM carriers  
were investigated

**31.0%**  
of OPYM carriers  
were inspected

Figure 2 shows the distribution of investigations by State. Most investigations were conducted in New Jersey, California, Florida, and Texas, which aligns with where the highest number of targeted carriers are located (see Figure 1). OPYM resulted in 93 completed investigations.

FIGURE 1

OPYM Carriers by State

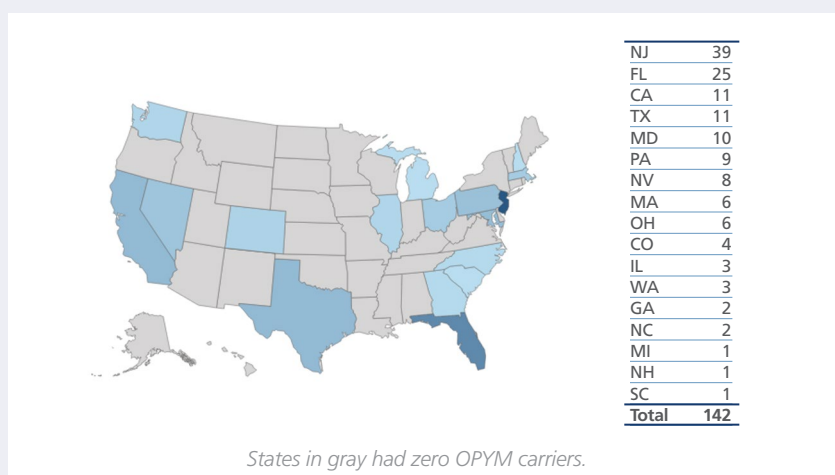
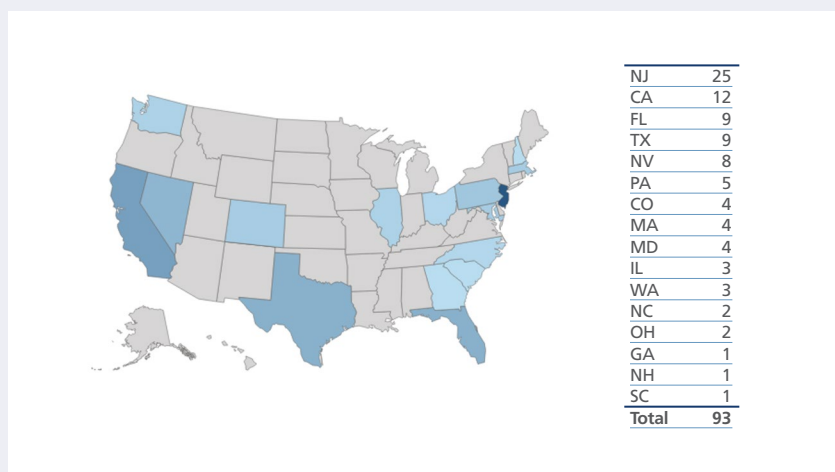


FIGURE 2

OPYM Investigations by State



# Findings



## GOAL 1

### Prioritize safety and commercial compliance (continued)

Figure 3 shows the distribution of inspections by State, with the most inspections occurring in California, Maryland, Florida, and New York. OPYM resulted in 114 completed inspections on 59 distinct OPYM carriers.

FIGURE 3

OPYM Inspections by State

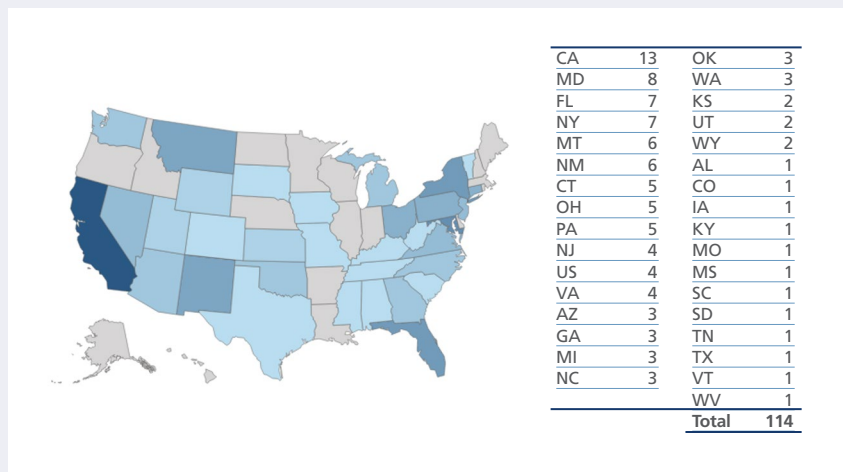
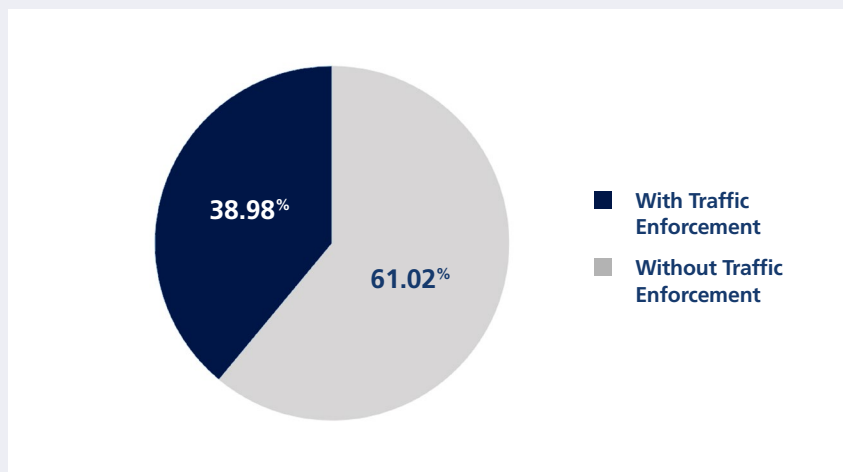


FIGURE 4

OPYM Carrier Inspections with Traffic Enforcement

Of the 114 completed inspections, 23 distinct carriers (39.0 percent) had traffic enforcement associated with the inspections; the other 36 distinct carrier inspections (61.0 percent) did not (Figure 4).





# Findings



## GOAL 1

### Prioritize safety and commercial compliance (continued)

#### OPYM supported the NRSS and its objectives of safer people and safer vehicles.

OPYM directly supported the NRSS and the Safe Systems Approach by targeting noncompliant HHG carriers and brokers and taking enforcement action to help ensure safer people and safer vehicles. Between March 1, 2023 and April 30, 2023, inspections completed as part of OPYM found 31 driver OOS violations and 28 CMV OOS violations (Figure 5) with many drivers and CMVs having multiple OOS violations. As a result, 14 unsafe drivers and 16 noncompliant CMVs were placed OOS and removed from our Nation's roads.

#### OPYM provided carriers with specific directives to improve both their safety and commercial compliance.

Investigations conducted on OPYM carriers identified a high volume of both commercial and safety violations, indicating significant problems in both areas (Figure 6). The 93 investigations completed as part of OPYM found 1,054 violations (577 commercial; 437 safety; 35 "other"; and 5 hazmat). Violations in the "other" category fall outside of the analysis categories of Federal safety, commercial, and hazmat regulations and may reflect violations of State regulations. As a result of the violations found by OPYM, FMCSA took several actions, including issuing letters of probable violations, notices of claims, notices of violations, and 13905s to address patterns of violation (see Figure 13); and placing CMVs and drivers OOS (see Figure 5).

FIGURE 5

OPYM OOS Violations

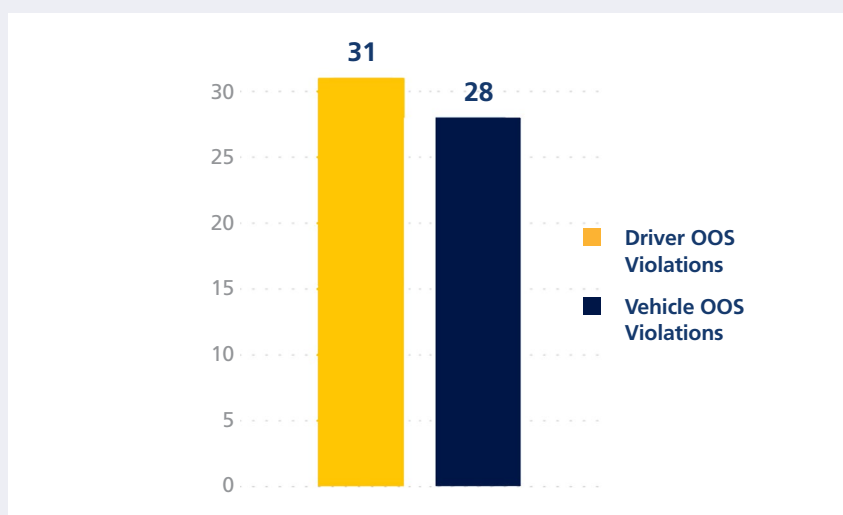


FIGURE 6

Violation Counts and Distributions



# Findings



## GOAL 2 Address HHG complaints in NCCDB

OPYM addressed the inventory of HHG complaints in the NCCDB that have not been previously reviewed.

The NCCDB has received an increased number of HHG complaints since 2019 (Figure 7). The *Riojas* decision, which limited FMCSA enforcement of HHG violations by removing FMCSA's authority to assess civil penalties, could be contributing to the increased inventory of unaddressed HHG complaints.

In June 2022, FMCSA issued a Notice of Enforcement Discretion Determination (NEDD), in which the Agency exercised its discretion not to enforce the revised provisions of 49 CFR Part 375 and Part 371 Subpart B, adopted by the final rule issued in Implementation of Household Goods Working Group Recommendations, 87 FR 24431 (April 26, 2022), until October 31, 2022. The NEDD limited the Agency's ability to take enforcement action on HHG complaints during the NEDD timeframe (June 24, 2022-October 30, 2022) and may also have contributed to the inventory of unaddressed HHG complaints in the NCCDB.

Figure 8 shows the complaint trends specific to OPYM carriers in the years 2019, 2020, 2021, 2022, and from January 1-May 31, 2023. In 2019, 11.3 percent (57 of 503 total) of hostage complaints were related to OPYM carriers; by 2022, the percentage of hostage complaints about OPYM carriers rose to 17.9 percent (573 of 3,198 total complaints). In just the first part of 2023, 40.6 percent (405 of 977 total) of all hostage complaints were specific to OPYM carriers.

FIGURE 7

All HHG Complaints (Not Limited to OPYM Carriers)

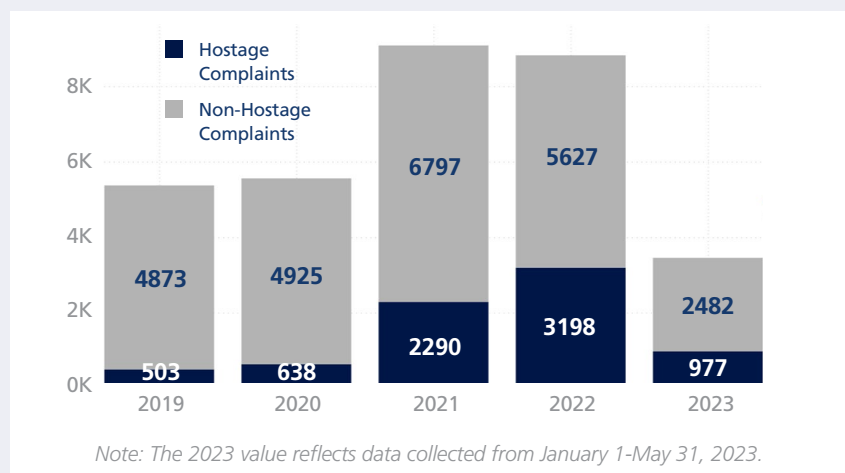
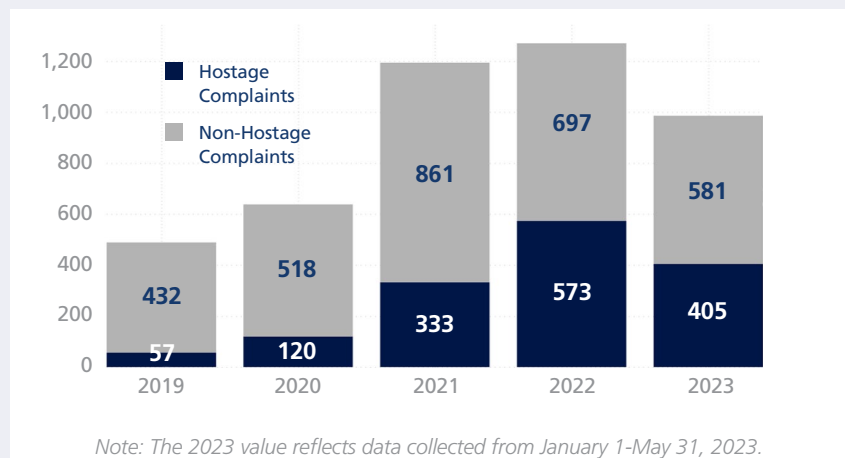


FIGURE 8

HHG Complaints Against OPYM Carriers



# Findings



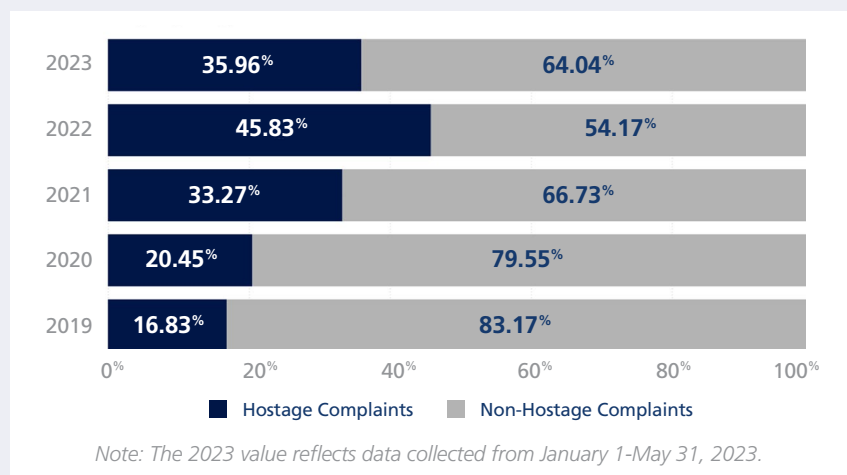
## GOAL 2

### Address HHG complaints in NCCDB (continued)

The number of HHG complaints received about OPYM carriers has risen each year, and 2023 is on track to surpass the number of HHG complaints against OPYM carriers in 2022 with 986 complaints (405 hostage, 581 non-hostage) already reported from January-May 2023, compared to 1,270 complaints (573 hostage, 697 non-hostage) reported for all of 2022 (January-December) (Figure 8). Figure 9 shows the proportion of hostage to non-hostage complaints for all HHG complaints for 2019, 2020, 2021, 2022, and January 1-May 31, 2023.

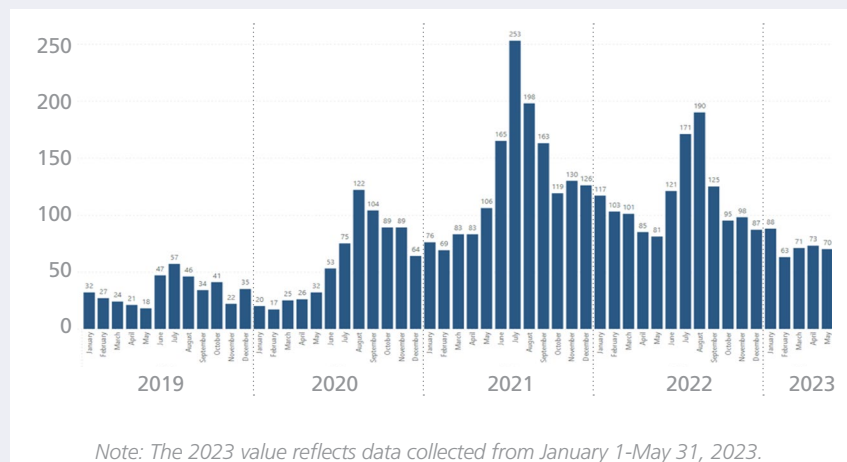
**FIGURE 9**

**Proportion of Hostage to Non-Hostage Complaints Across All HHG Complaints (Not Limited to OPYM Carriers)**



**FIGURE 10**

**HHG Complaints Specific to OPYM Carriers by Month**



The number of all complaints specific to OPYM carriers spiked during the peak summer moving season (June-September) each year, as shown in Figure 10.



# Findings



## GOAL 2

### Address HHG complaints in NCCDB (continued)

As a result of OPYM, 72.9 percent of the HHG complaints specific to the targeted OPYM carriers were addressed, meaning FMCSA reviewed and acted on the complaints (specific actions vary). Of the HHG complaints specific to OPYM carriers, 10.3 percent are still open, and 16.8 percent of the complaints have not yet been reviewed by FMCSA for possible action (Figure 11). Of the 72.9 percent of complaints that were addressed, 180 complaints were substantiated by investigations and enforcement action was taken; 173 were addressed due to “other” (complaints were addressed and used to assess the carrier’s overall compliance); and 87 were substantiated by investigation and addressed with no enforcement action taken (Figure 12).

FIGURE 11

OPYM Complaint Status

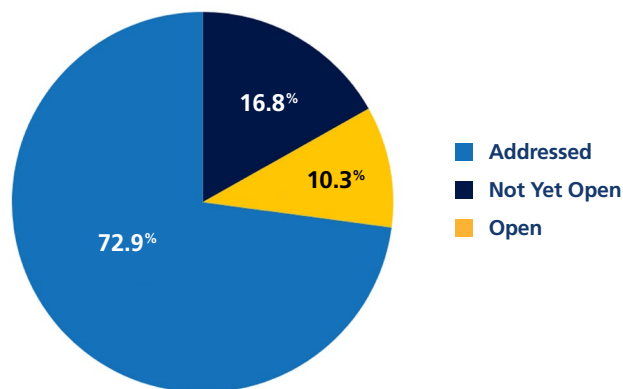
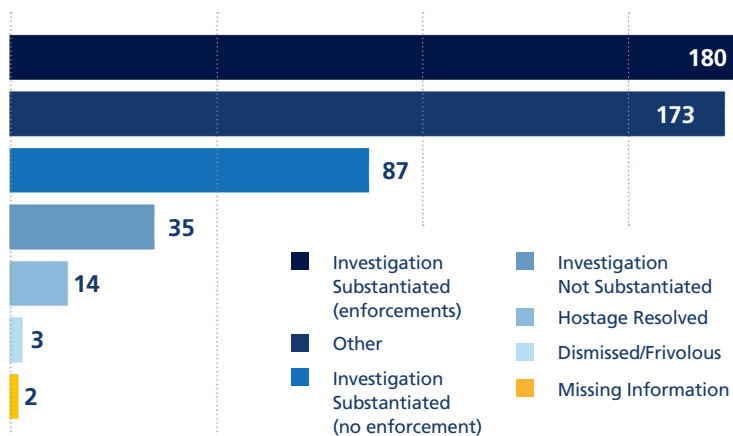


FIGURE 12

Addressed OPYM Complaints (Detail)



# Findings



## GOAL 3

### Demonstrate increased HHG enforcement presence and tools

#### OPYM demonstrated an expanded enforcement presence.

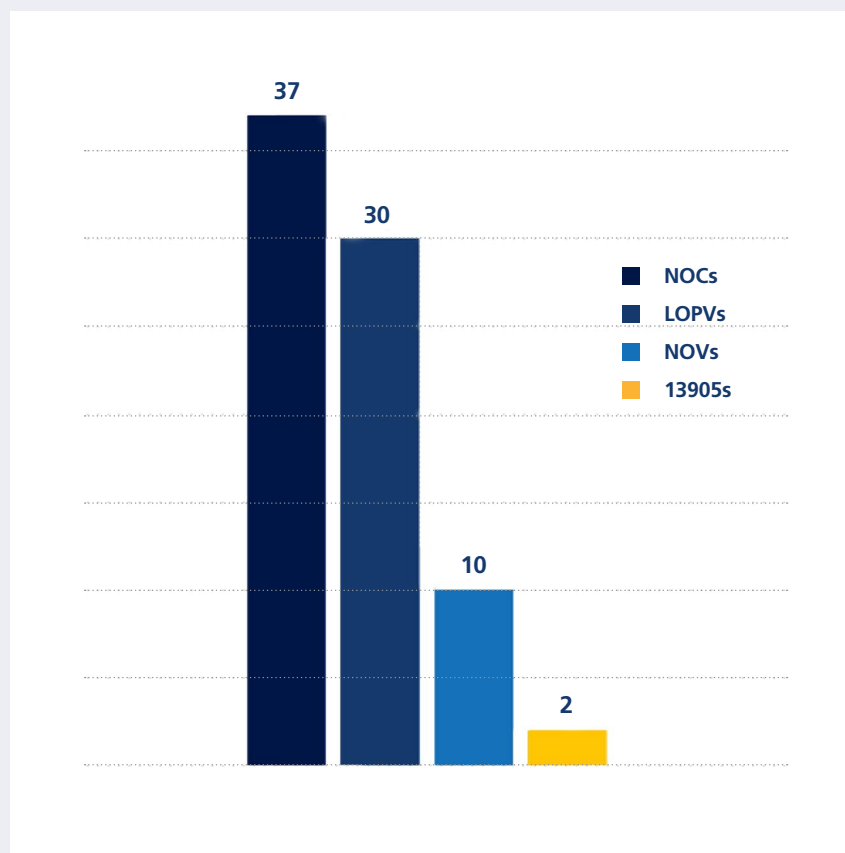
For this year's operation, enforcement personnel utilized a significant number of LOPVs—an enforcement tool that was not widely used previously by FMCSA. LOPVs were reviewed in advance of OPYM (see the "Professional Development and Continuing Training and Certification" section), which may have helped familiarize personnel with the tool in preparation for both OPYM and the busy moving season.

OPYM investigations focused on both safety and commercial compliance. FMCSA issued 30 LOPVs, 37 notices of claims (NOCs), 10 notices of violations (NOVs) for enforcement on commercial violations, and issued two 13905s to address patterns of violation (Figure 13).

Of the 142 distinct OPYM carriers (Figure 1), enforcement actions (including all types of enforcements, unduplicated) were taken on 49 carriers—an enforcement rate of 34.5 percent.

FIGURE 13

OPYM Enforcements



# Findings



## GOAL 4 Expand HHG investigation capacity

### Professional Development and Continuing Training and Certification

To help ensure an efficient operation, FMCSA developed and delivered multiple trainings to support and prepare the OPYM participants.

#### Enforcement Tool Training

FMCSA delivered two specialized enforcement tool training sessions for Agency participants. The trainings, which were held on March 8 and March 15, 2023, were attended by more than 200 FMCSA staff and covered the following subjects:

- *Riojas* prohibitions
- NEDD
- LOPV guidance

#### HHG 101 Training

FMCSA developed a special “HHG 101” refresher training session on how to conduct a HHG carrier investigation. The training was delivered on March 16, 2023 to more than 40 FMCSA field investigative staff members. This training focused on investigative tools, guidance, and violation trends.

#### Commercial Enforcement Regulations Training

The Commercial Enforcement Division delivered one training session at the National Training Center for safety investigators to learn Commercial Enforcement (HHG/Commercial) regulations and commercial programs. Over 25 safety investigators attended the February 2023 training session.

#### Legal Team Training

On April 27, 2023, FMCSA held a training for field attorneys to review LOPVs, 13905s (patterns of violation), and other related items.



# Findings



## GOAL 4

### Expand HHG investigation capacity (continued)

#### Increased memorandums of understanding (MOAs)

Several high-impact States—those with the most HHG complaints—were identified by OPYM, and efforts by Division Administrators to work with the State agencies on building partnerships and developing MOAs are ongoing.

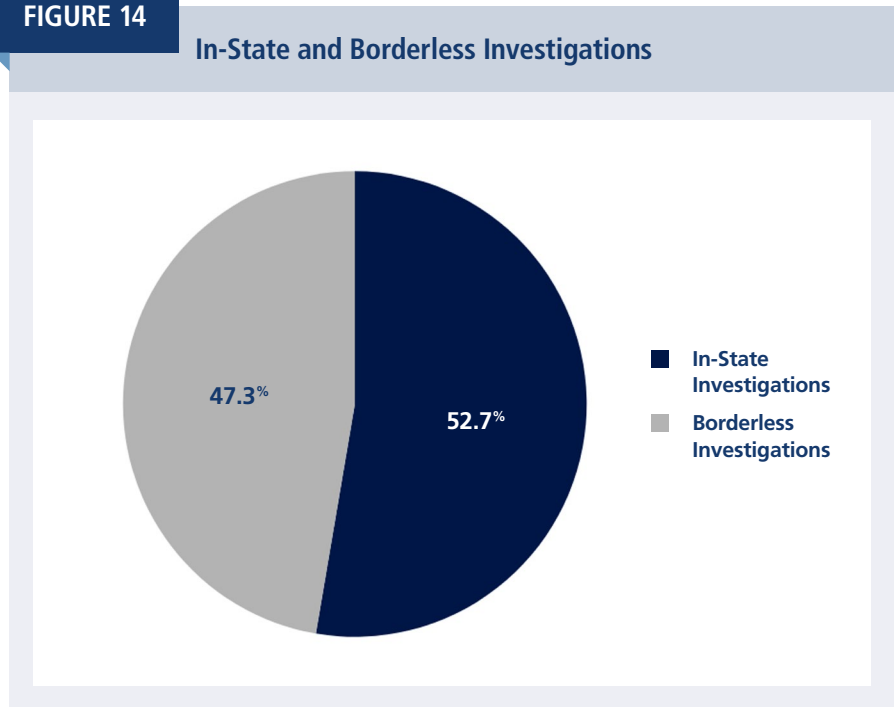
The OPYM team held initial calls with State agencies in Nevada, Colorado, Maryland, and Michigan. Nevada and Michigan are interested in participating in the next Operation and have requested copies of the MOA and to have future conversations with the OPYM team.

#### Increased Borderless Collaboration

OPYM shows a significant percentage of investigations conducted through borderless collaboration—that is, investigations that are conducted across State borders, where the carrier and investigator are based in different States. Borderless investigations made up 47.3 percent of the total OPYM investigations (Figure 14). Increased borderless collaboration allows FMCSA to address a larger number of unsafe, fraudulent, and noncompliant HHG carriers and brokers to help protect the moves of the American people.

FIGURE 14

In-State and Borderless Investigations



# Next Steps

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OPYM is the first of many efforts planned over the next several months to address noncompliant household goods moving companies and brokers.

- Multiple Division Offices have been encouraged to engage with their State's Attorney General office and consumer protection agencies to develop new partnerships across the country.
- FMCSA will conduct a targeted broker investigation event centered around unlawful and predatory broker activities.
- FMCSA will formally document violations and has the authority to review and revoke the licenses of movers and brokers.
- Cases resulting from OPYM that involve potential criminal misconduct may be referred to the U.S. Department of Justice for further investigation.
- FMCSA will work directly with consumers to guide them through the hostage complaints process and help recoup their money and goods.
- In addition to ramped-up investigations, FMCSA will take several actions to crack down on mover scams, including doubling the number of investigators assigned to moving complaints.
- FMCSA will identify affiliated companies and U.S. DOT Numbers related to HHG carriers and brokers and consolidate the information gained for analysis and sharing with affected Divisions.
- FMCSA plans to centralize management of the NCCDB by moving it under the Registration Division.
- FMCSA is considering enhancements to NCCDB that will apply more stringent requirements around submitting complaints to ensure the Agency is deploying resources on substantial complaints.
- FMCSA is considering updating the Protect Your Move website to be more user-friendly, including updated messaging around operating authority.
- As a result of the Bipartisan Infrastructure Law (BIL), FMCSA increased its future OPYM enforcement and investigation capacity by hiring additional full-time employees to join the Agency.
- 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.
- FMCSA refreshed its internal technical advisory group to help guide future efforts.





# Appendix

## SUPPLEMENTAL FIGURE

### OPYM Carriers with Drivers and Vehicles Placed OOS

		# Driver OOS	# Vehicle OOS	Total OOS
3896867	ALL STAR MOVING AND STORAGE LLC	2	2	4
3604932	BRISTOL MOVERS & STORAGE CORP	1	3	4
2635362	COBRA VAN LINES LLC	3	3	6
3728560	LUXURY LOGISTICS LLC	2	1	3
3051646	NEW DESTINY MOVING SERVICES LLC	1	4	5
3509099	RELIABLE MOVING SERVICES LLC	2	1	3
3496397	SAFE MOVERS LLC	1	1	2
3239442	VISIONS MOVING & STORAGE LLC	2	1	3
<b>Total</b>		<b>14</b>	<b>16</b>	<b>30</b>





## Acknowledgements

A significant amount of work and collaboration went into the planning and deployment of Operation Protect Your Move. Winsome Lenfert (Regional Field Administrator, Midwest Service Center) and her team coordinated multiple training and outreach events in March 2023 to motivate and prepare FMCSA investigators. In addition, Chris Rotondo (DA, NJ) and Bill Bensmiller (DA, NV) were integral to the planning and execution of this important initiative, and worked closely with Monique Riddick (Chief, Commercial Enforcement Division) and Scott Mirelson (Office of Chief Counsel) on coordination with FMCSA headquarters personnel.

