

Docket No. TG-190793 - Vol. IV

**In the Matter of: Paul Henrickson d/b/a Concrete and
More**

May 26, 2021



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BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

In Re the Matter of)
Determining the Proper) DOCKET TG-190793
Carrier Classification of)
and Complaint for)
Penalties Against:)
)
PAUL HENRICKSON dba)
CONCRETE AND MORE)

VIRTUAL BRIEF ADJUDICATIVE PROCEEDING, VOLUME IV
PAGES 108-178
ADMINISTRATIVE LAW JUDGE MICHAEL S. HOWARD

May 26, 2021
9:30 a.m.
Washington Utilities and Transportation Commission
621 Woodland Square Loop Southeast
Lacey, Washington 98503

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19 ALSO PRESENT: KATHERYN MCPHERSON

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1 LACEY, WASHINGTON; MAY 26, 2021

2 9:30 A.M.

3 -oOo-

4 P R O C E E D I N G S

5

6 JUDGE HOWARD: All right, on the record.

7 Okay, good morning everyone. Let's be on
8 the record. Today is Wednesday, May 26, 2021. The time
9 is 9:38 a.m. This is Docket Tg-190793. This case is
10 captioned in the matter determining the proper
11 classification of and complete penalty against of Paul
12 Henrickson as Concrete and More.

13 The issue in this case is whether Concrete
14 and More has been operating as a solid waste carrier
15 without the required certificate.

16 My name is Michael Howard and I am an
17 administrative law judge presiding over today's Brief
18 Adjudicative Proceeding.

19 Let's take appearances from both parties and
20 then we will talk about how we are going to proceed this
21 morning.

22 So let's start with commission staff.

23 MR. ROBERSON: Good morning. Attorney
24 General Jeff Roberson, R-O-B-E-R-S-O-N. My contact is
25 on file in this docket. With me at counsel table is

1 staff investigator Kathryn McPherson.

2 JUDGE HOWARD: Thank you.

3 And for the company, Mr. Henrickson, if you
4 can please state your first and last name, your position
5 with your company and your contact information with the
6 address.

7 MR. HENRICKSON: My name is Paul Henrickson.
8 My address is 3706 103rd Avenue Southeast, Lake Stevens,
9 Washington 98258. I have no idea what company you are
10 talking about.

11 JUDGE HOWARD: Okay.

12 So Mr. Henrickson, when staff refers to the
13 company Concrete and More, you are not the owner of
14 that? Or what is your relationship to that?

15 MR. HENRICKSON: Concrete and More is
16 something from ten-plus years ago, before I lived in
17 another country.

18 JUDGE HOWARD: Was it a company you used to
19 own?

20 MR. HENRICKSON: It was a company we used to
21 own. We did concrete and construction, Concrete and
22 More.

23 JUDGE HOWARD: Okay.

24 And did you -- I don't believe you stated
25 your email address, would you mind providing that?

1 MR. HENRICKSON: Email address is
2 pmatnric@yahoo.com.

3 JUDGE HOWARD: Thank you.

4 Since we are doing this hearing over the
5 phone, I am going to ask the parties be aware of
6 background noise and that you mute your microphone when
7 you are not speaking. If you need to object or raise an
8 issue, please identify yourself when you are speaking.

9 And we should make an effort not to talk
10 over each other so the court reporter can make a clear
11 record of our hearing today.

12 I will provide a brief roadmap for today's
13 proceeding. I received staff's exhibit list with
14 exhibits marked KM-1 through KM-5. I did not receive
15 any exhibits from Mr. Henrickson.

16 Because this case began with the
17 commission's complaint against Mr. Henrickson, I am
18 going to ask the staff to present the case first and
19 exhibits as necessary during the case. I will then
20 allow Mr. Henrickson to testify and to present his case.

21 We can then end the hearing by allowing each
22 party giving a closing statement, which is simply a
23 chance to explain what you are asking the Commission to
24 do and why.

25 Are there any questions before we proceed?

1 MR. HENRICKSON: Yeah.

2 JUDGE HOWARD: Go ahead, Mr. Henrickson.

3 MR. HENRICKSON: I did file a response
4 document that was supposed to be sent to you directly.
5 I am not sure if you received it.

6 JUDGE HOWARD: That's -- I did see your
7 response document in the docket, and I did read that,
8 and I will be sure to read it again before writing the
9 order.

10 Did you have any other questions before we
11 proceed, Mr. Henrickson?

12 MR. HENRICKSON: No.

13 JUDGE HOWARD: Okay.

14 Okay, Mr. Roberson, you may proceed with a
15 brief opening statement or you may simply call your
16 first witness.

17 MR. ROBERSON: Probably most efficient to
18 call Ms. McPherson to the stand and I will just make a
19 closing argument.

20 JUDGE HOWARD: Ms. McPherson, please raise
21 your right hand, I will swear you in.

22

23 KATHRYN MCPHERSON, witness herein, having been
24 first duly sworn on oath,
25 was examined and testified

1 as follows:

2

3 THE WITNESS: I do.

4 JUDGE HOWARD: Thank you.

5 Mr. Roberson, you may proceed.

6 DIRECT EXAMINATION

7 BY MR. ROBERSON:

8 Q. Good morning, would you please state your name
9 and spell your last name for the record.

10 A. Kathryn McPherson, M-C-P-H-E-R-S-O-N.

11 Q. Who employed you?

12 A. I was employed by the Washington State Utility
13 and Transportation Commission.

14 Q. What position do you hold at the Commission?

15 A. I am a solid waste investigator for the
16 Transportation Safety Division.

17 Q. How long have you worked for the Commission as
18 an investigator?

19 A. As an investigator, I have worked for the
20 Commission for approximately two-and-a-half years.

21 Q. Did you work for the Commission in another
22 capacity before you became an investigator?

23 A. Yes. Previously I was a sewer protection
24 investigating informal complaints for approximately four
25 years.

1 Q. Now, what are your duties as an investigator?

2 A. I investigate the transportation of solid waste
3 and residential recycling of companies who do not have a
4 certificate from the Commission.

5 Q. Would you please describe your educational
6 background and any training that you have received that
7 will allow you to carry out your duties as an
8 investigator?

9 A. I have an associate's degree from Pasco
10 Hernandez State College, as well as completed the
11 Washington State immediate and advanced investigator
12 training.

13 Q. Now, you just mentioned that your duties include
14 investigating companies that may be operating without
15 Commission-issued authority, correct?

16 A. Correct.

17 Q. And you testified that solid waste companies
18 require a certificate before they operate?

19 A. That is correct.

20 Q. How do you look into whether a company is
21 operating without a permit?

22 A. I receive complaints via two manners: One is a
23 company who has a certificate, or private citizen may
24 file a complaint with the Commission, or I research
25 advertising on social media to companies that are

1 advertising for solid waste services and research if
2 they have a certificate to complete those services.

3 Q. And how do you research whether they have a
4 certificate?

5 A. I use our company's database to see if they are
6 solid waste carriers or possibly common carriers.

7 Q. What social media sites do you look on to see if
8 you can find advertising?

9 A. Various forums. I use Instagram, Facebook,
10 Marketplace, and Craigslist quite often.

11 Q. Did you look on social media in May to see if
12 you could find any companies that were operating without
13 authority?

14 A. Yes, I did.

15 Q. And what day in May did you do that?

16 A. On May 3rd I was searching Craigslist for
17 possible solid waste advertisements.

18 Q. Did you find any?

19 A. Yes, I did.

20 Q. Okay, and what did you find, I guess?

21 A. On September 3rd I found a Craigslist
22 advertising for the hauling of garbage services.

23 Q. Just to clarify, you said September 3rd. We are
24 talking about May 3rd, correct?

25 A. I am sorry, yes, May 3rd, 2018.

1 Q. Did you take a screen capture of the
2 advertisement you found on Craigslist?

3 A. Yes, I did.

4 Q. Would you please go to the exhibit marked KM-1.

5 A. I have that in front of me.

6 Q. Would you please identify this exhibit.

7 A. It is a Craigslist's advertisement for an F250
8 hauling everything. Under the title it also lists that
9 they will haul garbage.

10 Q. And is that a true and accurate copy of the
11 advertisement you saw on Craigslist on May 3rd?

12 A. Yes, it is.

13 MR. ROBERSON: Staff moves to admit
14 Exhibit KM-1.

15 JUDGE HOWARD: All right. Do we have any
16 objection from Mr. Henrickson?

17 MR. HENDRICKSON: I object to all hearsay.

18 JUDGE HOWARD: Sorry, Mr. Henrickson, go
19 ahead.

20 MR. HENRICKSON: I object.

21 JUDGE HOWARD: The primary basis -- is the
22 basis for your objection hearsay?

23 MR. HENRICKSON: Correct.

24 JUDGE HOWARD: All right. I am going to
25 deny the objection and deem KM-1 admitted.

1 Mr. Roberson, you may proceed.

2 (Exhibit No. KM-1 was admitted.)

3 EXAMINATION (CONTINUED)

4 BY MR. ROBERSON:

5 Q. Now, Ms. McPherson, I'm sorry, did you describe
6 how the person posting the advertisement stated that
7 they would haul garbage?

8 A. The advertisement says they will haul, pick up,
9 move, et cetera, in an F250.

10 Q. So a motor vehicle?

11 A. Yes.

12 Q. And did the advertisement identify the person
13 posting it?

14 A. No. The only identification was a telephone
15 number, (425) 686-5270.

16 Q. Did you attempt to identify the person who
17 provided that phone number?

18 A. Yes, I did additional research to find a phone
19 number.

20 MR. HENRICKSON: Objection. There is an
21 association with the number that was provided.

22 JUDGE HOWARD: I am sorry, did you say he
23 was leading the witness?

24 Could you repeat yourself.

25 MR. HENRICKSON: Yeah, he was making a

1 statement, the attorney was testifying making a
2 statement saying that, did you contact the person that
3 provided the phone number.

4 I object to that statement overall because
5 that person might not even -- it's just hearsay. That
6 person might not have even provided the phone number.

7 JUDGE HOWARD: Mr. Henrickson, I am going to
8 deny the objection, but I will let you have an
9 opportunity to cross Ms. McPherson on that issue.

10 Mr. Roberson, you may proceed.

11 MR. ROBERSON: Thank you, Judge Howard.

12 EXAMINATION (CONTINUED)

13 BY MR. ROBERSON:

14 Q. So, Ms. McPherson, you attempted to find the
15 person the phone number belonged to, correct?

16 A. Yes, I did.

17 Q. How did you do that?

18 A. I looked online using a search of that specific
19 phone number and was able to identify a HireRush ad
20 identifying Paul Henrickson, which also included
21 additional advertisements for solid waste services.

22 Q. How did you connect the HireRush advertisement
23 to Mr. Henrickson?

24 A. They had the same phone number in common.

25 Q. So the number provided in the Craigslist ad you

1 saw on May 3rd was the same number on the HireRush ad?

2 A. That's correct.

3 Q. And the HireRush ad linked that phone number to
4 Mr. Henrickson?

5 A. That's correct, the HireRush ad listed Paul
6 Henrickson with the phone number (425) 686-5270.

7 Q. Now, would you please turn to the exhibit marked
8 KM-2.

9 A. I have that in front of me.

10 Q. Would you please identify this document.

11 A. This is the HireRush ad I found online while
12 searching on May 3rd, that advertises for solid waste
13 services.

14 Q. Is this a true and accurate copy of the HireRush
15 advertisement that you saw on May 2019?

16 A. Yes, it is.

17 MR. ROBERSON: Judge Howard, staff move to
18 admit KM-2.

19 JUDGE HOWARD: Do we have any objection from
20 Mr. Henrickson?

21 MR. HENRICKSON: I object.

22 JUDGE HOWARD: What would be the basis for
23 your objection?

24 MR. HENRICKSON: That's just hearsay.

25 JUDGE HOWARD: Okay.

1 Sorry, Mr. Roberson, what?

2 MR. ROBERSON: So BAP specifically allows
3 you to admit hearsay that's RCW 34.05 point, I believe
4 it's 452. The Commission's procedural rules, it's WAC
5 480.07, maybe 450, if you give me second.

6 495 allows you to admit any and all relevant
7 evidence that does not exclude hearsay evidence.
8 Regardless, these are Mr. Henrickson's own words. Under
9 Evidence Rule 801(d)(2), they are not hearsay.

10 MR. HENRICKSON: How are they my own words?
11 I object to whatever he's saying.

12 Where do you come up with that statement?

13 JUDGE HOWARD: Mr. Henrickson, just a
14 moment.

15 The hearsay objections, I am just going to
16 let you know that the law does allow us to admit
17 hearsay. I understand your concern that you are saying
18 that these are not your statements.

19 So I will definitely allow you to cross
20 examine Ms. McPherson, I'll allow you to testify on your
21 behalf and give a closing statement, and those would be
22 the appropriate ways for you to, I suggest for you to
23 set that forth.

24 Do you have any other basis for your
25 objection to Exhibit KM-2?

1 MR. HENRICKSON: No.

2 JUDGE HOWARD: Okay, the objection on KM-2
3 is denied and I would deem that exhibit admitted.

4 You may proceed, Mr. Roberson.

5 (Exhibit No. KM-2 was admitted.)

6 BY MR. ROBERSON:

7 Q. Ms. McPherson, what service does the
8 advertisement state that Mr. Henrickson offers?

9 A. It states that he offers moving and garbage
10 removal.

11 Q. Does the HireRush advertisement identify the
12 vehicle Mr. Henrickson would use to remove garbage?

13 A. Yes, it does. It states that he will be using
14 an F250.

15 Q. And that's the same truck that was identified in
16 the Craigslist ad, correct?

17 A. Yes, that's correct.

18 JUDGE HOWARD: Mr. Henrickson, what was your
19 objection?

20 MR. HENRICKSON: They're just continually
21 testifying. F250, do they have any specialization in
22 what an F250 is? This is the same as a truck. Where
23 are they going to go next?

24 MR. ROBERSON: I could lay some foundation
25 if you like, your Honor.

1 JUDGE HOWARD: Mr. Roberson, if you wouldn't
2 mind either rephrasing or backing up a couple steps and
3 asking a new question.

4 MR. HENRICKSON: He's testifying?

5 JUDGE HOWARD: Mr. Henrickson, please direct
6 any objections to me. But I am instructing Mr. Roberson
7 to rephrase or to lay foundation for that particular
8 line of questioning.

9 EXAMINATION (CONTINUED)

10 BY MR. ROBERSON:

11 Q. Ms. McPherson, are you familiar with motor
12 vehicles?

13 A. Yes.

14 Q. Have you ever seen -- well, are you familiar
15 with the Ford Motor Company?

16 A. Yes.

17 Q. Any what does the Ford Motor Company
18 manufacture?

19 A. They manufacture cars and trucks. One of their
20 lines of trucks is the F series utility trucks,
21 including the F250.

22 Q. So how would you describe an F250?

23 A. The 250 is a specific motor, not as large as the
24 350, for hauling purposes.

25 Q. Excellent.

1 Now, you testified that the HireRush
2 advertisement states that the provider will use an F250?

3 A. Yes.

4 Q. Have you seen any other advertisements -- did
5 you see any other advertisements on May 3rd by a
6 provider that would claim he would use an F250?

7 A. Yes, on the Craigslist ad they did. Also on the
8 May 3rd and on the HireRush ad, the verbiage reads haul,
9 pick up, move, et cetera, F250.

10 Q. Now, other than a phone number, does the
11 HireRush advertisement provide contact information for
12 Mr. Henrickson?

13 A. Yes, it lists a phone number and it lists an
14 address in Lake Stevens.

15 Q. And did you --

16 MR. HENRICKSON: I object.

17 JUDGE HOWARD: Let's -- Mr. Henrickson --
18 Mr. Henrickson, go ahead with your objection.

19 MR. HENRICKSON: What exhibit are you
20 referring to where there's an address?

21 JUDGE HOWARD: Mr. Roberson, would you mind
22 clarifying the exhibit you were referring to. Was that
23 KM-2?

24 MR. ROBERSON: It is, your Honor.

25 JUDGE HOWARD: It's KM-2, Mr. Hendrickson.

1 MR. HENDRICKSON: There's an address in the
2 ad. That's what they are testifying to, there's an
3 address in the ad.

4 JUDGE HOWARD: Mr. Henrickson, this is all
5 available in the docket. I am looking at the exhibit.
6 There's the address -- Mr. Henrickson, I am speaking.

7 There does appear to be an address in the
8 ad, so what is the basis for your objection?

9 MR. HENRICKSON: Give me a second. Your
10 Honor, I will get to this.

11 JUDGE HOWARD: Okay. Mr. Roberson, you may
12 proceed.

13 EXAMINATION (CONTINUED)

14 BY MR. ROBERSON:

15 Q. Ms. McPherson, what did you learn from the
16 HireRush ad?

17 A. With an address located on the HireRush ad, I
18 was able to compose a technical assistance letter for my
19 supervisor to review that I could send to the company to
20 provide technical assistance regarding solid waste
21 rules.

22 Q. What does it ask you when you provide technical
23 assistance?

24 A. I explained the solid waste rules on
25 transportation and advertising of solid waste. I

1 explained there are penalties involved. And I requested
2 all advertisements and services be terminated until such
3 time that the company has applied for and received a
4 certificate from the Commission.

5 Q. Did you eventually send that letter to
6 Mr. Henrickson?

7 A. Yes, I did.

8 Q. Did it reach him?

9 A. No, it did not. It was returned by mail on
10 May 27th, 2018.

11 Q. So after the letter was returned, did you
12 attempt to contact Mr. Henrickson by telephone?

13 A. Yes, I did. On several occasions in May, I
14 attempted to call Mr. Henrickson to try to find a new
15 address and discuss the investigation with him.

16 Q. Did you speak with him during any of those
17 calls?

18 A. Yes, I did. I spoke with him on May 16th and on
19 May 18th.

20 Q. Okay.

21 Did you eventually obtain another address for
22 Mr. Henrickson?

23 A. Yes. Mr. Henrickson was unwilling to give me an
24 address and I was able to locate an address using the
25 internet. The address I located was 22720 Third

1 Avenue A, Lake Stevens, Washington.

2 Q. Did you attempt to send another technical
3 assistance letter to that address?

4 A. I did send a second technical assistance letter
5 to that address.

6 Q. Did that letter reach Mr. Henrickson, to your
7 knowledge?

8 A. To the best of my knowledge, it did reach him.

9 Q. And how do you know that it reached him?

10 A. I spoke with Mr. Henrickson subsequent to that
11 letter being sent.

12 Q. And when did that conversation take place?

13 A. Just pulling up my record.

14 I spoke with Mr. Henrickson on September 4, 2019
15 regarding the noncompliance letter that was sent a
16 second time.

17 Q. And what was the outcome of your discussion with
18 Mr. Henrickson?

19 A. When I spoke with Mr. Henrickson, he confirmed
20 that he had received the compliance letter and stated he
21 no longer owned Concrete and More. And I had stated
22 that it was still showing in the Department of Health as
23 an active business.

24 We discussed the rules regarding solid waste
25 services and advertising on Craigslist for hauling

1 furniture. He stated that he could remove or change his
2 ads, but he did not feel like he should have to.

3 Q. And did he eventually agree to remove his
4 advertisements?

5 A. He did eventually agree to remove his
6 advertisements.

7 Q. That was during that September 4th conversation?

8 A. Yes.

9 Q. Okay.

10 Now, to make sure that Mr. Henrickson had taken
11 down his advertisements?

12 A. I did. I researched advertisements that he was
13 still currently listing on Craigslist, and I discovered
14 that he was continuing to advertise for solid waste
15 services at that time.

16 Q. And what day did you see if he was still
17 advertising?

18 JUDGE HOWARD: Mr. Roberson, hold on.

19 Mr. Henrickson, could you repeat yourself.

20 MR. HENRICKSON: She said that I was making
21 ads and -- there was none. She doesn't experience what
22 I do.

23 JUDGE HOWARD: Is there any other basis for
24 your objection?

25 MR. HENRICKSON: I was just objecting to her

1 statement saying that Mr. Henrickson was making ads, and
2 I wasn't, so...

3 JUDGE HOWARD: I will allow you to
4 cross-examine her on that and provide your own
5 testimony, but I'm going to deny the objection.

6 Mr. Roberson, you may proceed.

7 EXAMINATION (CONTINUED)

8 BY MR. ROBERSON:

9 Q. Ms. McPherson, how do you know that
10 Mr. Henrickson was still advertising?

11 A. After I spoke I did research the ads
12 subsequently again on September 4th and September 17th
13 of 2019 finding current ads on Craigslist advertisement.

14 Q. Would you please turn to the exhibit marked
15 KM-3.

16 A. Yes, I see that.

17 Q. And would you please identify that document.

18 A. This is another Craigslist ad stating that F250
19 hauling everything and demolition. Under the
20 advertisement it says we will haul, pick up, move,
21 et cetera in an F250 and that included garbage.

22 Q. And is that a true and accurate copy of the
23 Craigslist ad that you saw on September 4th, I believe?

24 A. Yes.

25 MR. ROBERSON: Excuse me?

1 JUDGE HOWARD: We will wait just a moment
2 here.

3 MR. ROBERSON: My apologies, your Honor,
4 someone was ringing my doorbell.

5 JUDGE HOWARD: No problem. We are all
6 making due at this time.

7 You may continue.

8 MR. ROBERSON: So Judge Howard, I would like
9 to enter KM-3.

10 JUDGE HOWARD: Are there any objections from
11 Mr. Henrickson?

12 MR. HENRICKSON: Hearsay.

13 JUDGE HOWARD: Just hearsay, is that what
14 you said?

15 MR. HENRICKSON: Yep.

16 JUDGE HOWARD: All right, I am going to deny
17 the objection and this KM-3 is admitted.

18 (Exhibit No. KM-3 was admitted.)

19 EXAMINATION (CONTINUED)

20 BY MR. ROBERSON:

21 Q. Ms. McPherson, you may have said this already,
22 that Craigslist ad, does it provide a phone number?

23 A. Yes, it does, (425) 686-5270.

24 Q. Have you ever seen that phone number before?

25 A. Yes, it was a previous Craigslist ad, as well as

1 the HireRush ad.

2 Q. And based on your research, who did that phone
3 number belong to?

4 A. Paul Henrickson.

5 Q. Did you attempt to book solid waste hauling
6 after seeing Mr. Henrickson's September advertisements?

7 A. Yes, I did.

8 Q. And how did you do that?

9 A. I replied to the Craigslist ad using a
10 fictitious email address that I used for investigations.
11 I requested Mr. Henrickson to provide solid waste
12 services.

13 Q. Would you please turn to the exhibit marked
14 KM-4.

15 A. Yes, sir. I have that in front of me.

16 Q. Would you please identify that document?

17 A. That's the Gmail of -- sorry, the Gmail email
18 that I sent to the Craigslist email link.

19 Q. And is that a true and accurate copy of your
20 email exchange with Mr. Henrickson?

21 A. Yes, it is.

22 MR. ROBERSON: Judge Howard, I ask to admit
23 KM-4.

24 JUDGE HOWARD: Are there any objections from
25 Mr. Henrickson?

1 MR. HENRICKSON: No.

2 JUDGE HOWARD: Sorry, repeat that,
3 Mr. Henrickson. It's a little quiet here.

4 MR. HENRICKSON: No, I never seen the email,
5 so -- I mean, I never received it.

6 JUDGE HOWARD: Okay, I will take that as not
7 having an objection.

8 This exhibit is admitted. KM-4 is admitted.
9 You may proceed, Mr. Roberson.

10 (Exhibit No. KM-4 was admitted.)

11 BY MR. ROBERSON:

12 Q. Ms. McPherson, how did Mr. Henrickson respond to
13 your email?

14 A. Mr. Henrickson requested a photo of the --

15 JUDGE HOWARD: Mr. Henrickson, can you
16 repeat that.

17 MR. HENRICKSON: I think she already knows.
18 They just made a statement that said how did
19 Mr. Henrickson respond.

20 JUDGE HOWARD: So what is your objection?

21 MR. HENRICKSON: Speculating, leading, just
22 testifying that I responded. And he can rephrase it if
23 you want.

24 JUDGE HOWARD: Would the court reporter mind
25 reading back the question.

1 (Question and answer read back.)

2 JUDGE HOWARD: I'm going to deny the
3 objection.

4 Mr. Roberson, you may proceed.

5 BY MR. ROBERSON:

6 Q. Ms. McPherson, how did the person you sent that
7 email respond?

8 JUDGE HOWARD: Mr. Roberson, wait.

9 Mr. Henrickson, are you -- I did not catch
10 that.

11 MR. HENRICKSON: Never mind.

12 JUDGE HOWARD: Okay, Mr. Roberson, you may
13 proceed.

14 BY MR. ROBERSON:

15 Q. Ms. McPherson, how did the person to whom you
16 sent that email respond?

17 A. The person responded that they would like a text
18 with a photo of the waste that needed to be picked up.

19 Q. And did the person provide a number before you
20 could text that picture to you?

21 A. Yes, they did. I am reviewing the email right
22 now to give you the phone number that was requested to
23 send.

24 It said question mark, can you email it to me or
25 send a text (425) 686-5270.

1 Q. Ms. McPherson, in the course of your
2 investigation, had you seen the phone number
3 (425) 686-5270 before?

4 A. Yes, this has been on the HireRush ads, as well
5 as all the Craigslist ads that I have reviewed.

6 Q. Did you send a picture to that number?

7 A. Yes, I did.

8 Q. Would you please turn to the exhibit marked
9 KM-5.

10 A. I have that in front of me.

11 Q. Would you please identify this document?

12 A. This is a screenshot of the text message sent to
13 (425) 686-5270 showing a photo of approximately eight
14 garbage bags and other debris that I requested to be
15 taken to the dump.

16 Q. Is that a true and accurate copy of the text
17 string that you had with Mr. Henrickson, or with the
18 person who had that phone number?

19 A. Yes, sir.

20 MR. ROBERSON: Judge Howard, at this point
21 in time we submit Exhibit KM-5.

22 JUDGE HOWARD: Do you have any objections,
23 Mr. Henrickson?

24 MR. HENRICKSON: Yes. I think they are
25 confused. There was no texts.

1 JUDGE HOWARD: Okay, do you have any other
2 basis for your objection?

3 MR. HENRICKSON: Yeah, and the exhibit,
4 there shows no text. There's nothing about texting at
5 all, from what I recall. There's no texting. It's all
6 emails from people.

7 JUDGE HOWARD: Well, do you have the KM-5 in
8 front of you, Mr. Henrickson? I believe this would have
9 been served on you by email and it's in the docket.

10 MR. HENRICKSON: It doesn't show a text.

11 JUDGE HOWARD: Well, I don't really want to
12 speak to it, but it is available for you to review if
13 you want to make an objection.

14 MR. HENRICKSON: This email conversation,
15 there's nothing about texting, so I object to hearsay
16 texts.

17 JUDGE HOWARD: All right. Well, again,
18 Mr. Henrickson, I will definitely provide you
19 opportunities to cross and provide your own testimony,
20 but as far as this speaking objection, I am going to
21 deny it.

22 So Mr. Roberson, KM-5 is admitted. You may
23 continue.

24 (Exhibit No. KM-5 was admitted.)

25 BY MR. ROBERSON:

1 Q. Ms. McPherson, what did the person to whom you
2 sent a text message respond with?

3 A. Where are you and can I do it as soon as
4 possible, to which I responded, how much will it cost,
5 the garbage company wants to charge me extra and he
6 responded \$100.

7 Q. I would like to move at this point to the
8 subject of penalties.

9 Are you familiar with the Commission's policy
10 statement on enforcement which it issued in
11 Docket A120061?

12 A. Yes, I am.

13 Q. Are you familiar with the factors set out for
14 determining the appropriate penalty in that document?

15 A. Yes, I am.

16 Q. Did you review the policy statement when
17 considering what penalties to recommend to the
18 Commission for imposition of this document?

19 A. Yes, I considered all the factors.

20 Q. And does that have a penalty recommendation for
21 the Commission, if it finds Mr. Henrickson violated the
22 policy service laws?

23 A. Yes, that recommendation is the maximum penalty
24 of \$2,000. \$1,000 for advertising for solid waste
25 services without a certificate, and an additional \$1,000

1 for offering services to provide solid waste services
2 without a certificate.

3 The staff has tried on multiple occasions to
4 work with Mr. Henrickson regarding compliance and
5 providing technical assistance, to which he did not
6 comply.

7 MR. ROBERSON: Judge Howard, at this point I
8 have no further questions for Ms. McPherson.

9 JUDGE HOWARD: Okay. Mr. Henrickson, would
10 you like to ask any questions of Ms. McPherson?

11 MR. HENRICKSON: Sure.

12 Let's start off with this texting statement.
13 I am looking at the exhibit and all I see is emails.
14 Can somebody point out exactly what we are talking about
15 when it shows texting? I have no idea what they are
16 talking about.

17 JUDGE HOWARD: Mr. Henrickson, I am going to
18 -- Mr. Henrickson, I am going to let you know, since all
19 these are admitted now, I am looking at KM-5, and this
20 appears to be a screenshot of text messages.

21 So if you want to ask a question about KM-5,
22 that's great, feel free, but it is in the docket. So I
23 wanted to clarify that issue, so feel free to ask
24 questions of Ms. McPherson.

25

1 CROSS-EXAMINATION

2 BY MR. HENRICKSON:

3 Q. In regards to this texting of -- they sent the
4 phone number, you believe that I knew exactly what you
5 were referring to?

6 A. Yes, I included a photo as requested in the
7 email of the garbage that needed to be picked up when I
8 texted (425) 686-5270. I sent a picture of the garbage
9 bags that needed to be picked up.

10 Q. Now, if I had received this email, would I know
11 what you are talking about?

12 A. I would be unaware.

13 Q. Thank you.

14 Also in your photo, it looks like you showed
15 junk in that email in your text, whatever it is. You
16 have -- you are assuming that I would know what's in the
17 bag too, correct?

18 A. Yes, I had stated in the email that I had things
19 that needed to be taken to the dump and I stated that as
20 well in the text messages, that the things in the
21 garbage needed to be taken to the dump.

22 Q. From your text?

23 A. Yes.

24 Q. I would take things to the dump, doesn't say
25 anything about garbage. Can you make a statement on

1 this?

2 A. I would state that if taking things to the dump,
3 that it would be considered solid waste.

4 Q. So you are saying it counts as solid waste?

5 A. That would be two different issues on
6 definitions. In my email and in my text I only
7 specifically mentioned the garbage bags that were bagged
8 garbage and stated that the garbage company was going to
9 charge too much and I needed these taken to the dump.

10 Q. Now, wouldn't it be logical that if it were just
11 garbage -- how much do you think the garbage company
12 would charge you for five bags of garbage?

13 A. I am unsure what the tariff rates for the
14 garbage company for Snohomish County would charge at
15 this time.

16 Q. Are you aware that it's actually free?

17 A. To my knowledge, it is not free to have solid
18 waste services in Snohomish County.

19 Q. Are you aware that somebody pays for service?

20 A. Yes.

21 Q. A service they get is picking up garbage,
22 correct? That's why they pick up garbage, correct?

23 A. As a consumer protection specialist for several
24 years with the Commission, there are tariff rates that
25 the certified garbage companies have to collect.

1 One of those rates is for extra garbage beyond
2 the part of the bins that you are allocated with your
3 monthly service bill. Any additional garbage in this
4 photo where you had several bags, there would be
5 subsequent additional charges that are also listed in
6 our tariff rates.

7 Q. And you are aware that junk was in those bags?

8 A. There could be many things in that bag.

9 Q. You are also aware that lay individuals such as
10 myself confuse garbage and junk?

11 A. Yes, yes. I'm very specific when I email with
12 people who may be of lay education regarding solid waste
13 services, that is why I use keywords like garbage and
14 taking to dump.

15 Q. You didn't answer the question.

16 A. Could you rephrase the question more
17 specifically for me.

18 Q. People do confuse the word garbage and junk,
19 correct?

20 A. Some people would confuse those words, yes.

21 Q. A layperson?

22 A. Perhaps. And as I stated, that is exactly where
23 I make very specific words, using words like garbage and
24 dump.

25 Q. And a person who does garbage collection would

1 probably know this, right?

2 A. Know the difference between or what garbage is
3 and what a dump is.

4 Q. How many Craigslist ads do you target in a day,
5 a week, a month, a year, that contains verbiage from
6 garbage to junk?

7 A. I would not have those specific records
8 available to me. That is something that our staff keeps
9 track of. I record all companies that I work with on
10 technical assistance in our compliance system.

11 Q. Okay.

12 There's a reason for this, right? That's why
13 you are employed, right?

14 A. I am employed to ensure that companies are not
15 transporting solid waste without a certificate to ensure
16 safety of our public and to ensure the protection of our
17 certificated companies.

18 Q. But the people that you are targeting do not
19 really transport garbage until you correct their
20 verbiage, isn't that what you do most of the time?

21 A. Moderately. I work with companies on a regular
22 basis to assist them in removing advertisements that are
23 in a violation of RCW 81.77.040. I provide them
24 technical assistance so that their advertisement does
25 not violate the state laws.

1 In addition to that, I help them research and
2 provide them with information on receiving common
3 carrier permits in order to have junk removal services
4 and a permit that allows them to do that.

5 In the junk removal services, they are given
6 strict guidelines as to how to avoid violations of those
7 RCWs, so that they are not subsequently in violation and
8 potentially receiving without knowledge a fine.

9 Q. The majority of people aren't in the garbage
10 business, correct?

11 A. The majority of the people do not understand the
12 rules, and I assist them in working within their company
13 to be able to be in compliance with the Commission and
14 continuing to do business.

15 Q. Do you find people that do landscape
16 advertising, they throw in the word garbage and you
17 correct them, right?

18 A. Yes, sometimes they do do that, that has
19 happened. I also follow up and make sure that they do
20 not accept solid waste pickup and as far as our
21 compliance procedures.

22 Q. Correct, but the majority of them do change
23 their language, unless they are still in garbage; is
24 that correct?

25 A. Yes, absolutely. The majority of companies do

1 comply with Washington State law.

2 Q. So you are aware that I have actually been
3 researching and seeing the Craigslist ads and seeing
4 garbage changed to junk probably on a daily basis?

5 A. Solid waste services and junk removal services
6 are two different services offered. Junk removal
7 services offer incidental removal of the solid waste;
8 they are being paid to provide other services. And we
9 request that those companies receive a common carrier
10 permit, because they are transporting commodities for
11 compensation.

12 Solid waste business are when you are picking up
13 curbside or providing a service that our solid waste
14 companies can provide and you are in violation of
15 providing those services without a certificate.

16 Q. So you correct them in their verbiage?

17 A. And in their ads.

18 Q. Are you aware that the ads that I saw were all
19 changed and they were people that did junk removal,
20 moving or landscape --

21 A. I would be unaware.

22 Q. -- on a regular basis? So you are actually
23 doing this to many people on a daily basis?

24 A. I apologize for interrupting you.

25 I do not have access to what advertisements that

1 you have personally viewed, so I would not know what
2 their original advertisement was, what services they
3 offered or what changes those companies have made.

4 Q. So your job is in the garbage collection, you
5 are teaching people that they are not in the garbage
6 collection business, correct?

7 A. Absolutely.

8 Q. And if they are collecting garbage, then they
9 need to get a certificate?

10 A. You are absolutely correct, sir.

11 Q. So referring back to your vague message, and you
12 say you are a specialist in garbage collection?

13 A. I am a solid waste investigator.

14 Q. So if you are to put five bags curbside, you
15 wouldn't know what the garbage company might charge,
16 rough estimate, if they charge or don't charge, if it's
17 a free service, if it comes with the service?

18 A. That would be something you would want to
19 research with our regulatory service company. Our
20 regulatory service works with our contracted parent
21 company to determine a rate.

22 Q. Are you aware that I am 54 years old?

23 A. I was not specifically aware of your exact age,
24 no.

25 Q. Are you aware that I have garbage picked up at

1 my house?

2 A. I was not specifically aware of that.

3 Q. Are you aware that I am familiar with the costs
4 of five bags of garbage?

5 MR. ROBERSON: I am not sure this is
6 relevant.

7 MR. HENRICKSON: Well, I am --

8 MR. ROBERSON: It's a free service.

9 JUDGE HOWARD: Mr. Roberson, I did want to
10 give Mr. Henrickson leeway and opportunity here.

11 So yeah, Mr. Henrickson, as long as -- you
12 know, I will definitely give you a few more minutes to
13 have these for your questioning. I am going to give you
14 some leeway here, so please continue if you have more
15 questions.

16 CROSS-EXAMINATION (CONTINUED)

17 BY MR. HENRICKSON:

18 Q. So somebody said it cost \$100 to pick up five
19 bags of garbage, wouldn't that be logical that they are
20 pretty much saying if you are worried about costs,
21 here's a -- what's your break? \$1,000, \$500, \$2 or is
22 that, could that be just, Hey, get away from me type?
23 Do you know the intent of the response?

24 A. I only know that what was specifically mentioned
25 in the text and in the email. I did not testify as to

1 the intent of the sender.

2 Q. So if it was a free service that went with your
3 garbage company and the \$100 charge, which one would you
4 take?

5 A. I don't think that is an answer I can provide
6 you under this circumstance.

7 Q. So you can sit there and say the intent of the
8 person was to actually collect \$100 for picking up five
9 bags of garbage?

10 A. Again, I don't think that is a question I can
11 answer under this circumstance. I can only reflect on
12 the communication that was provided between myself and
13 the person sending me texts and emails.

14 Q. So you can't respond to, you can't respond to
15 logic?

16 A. I don't have an answer for that question.

17 Q. You said in your supposed email to me that the
18 garbage company was charging you much for five bags of
19 garbage, and if somebody responded and said I will
20 charge you \$1,000, where is your logic? What's the
21 breaking point? Or is that just another way of kick
22 rocks? I don't deal in garbage.

23 A. The only information I had was the information
24 that was provided to me by email and by text. And the
25 responses provided to me were in violation of the RCW

1 regarding solid waste rules, so I subsequently proceeded
2 with a solid waste court case.

3 Q. So -- but there was no agreement of picking up
4 any garbage?

5 A. I believe if I turn to the text in Exhibit KM-5,
6 the response from the texting party was, where are you,
7 and can I do as soon as possible. And then the response
8 again from that party was they charged \$100 to provide
9 that service.

10 Q. Was there an agreement?

11 A. I would say that was an agreement.

12 Q. No, that is not an agreement.

13 JUDGE HOWARD: Mr. Henrickson, this is Judge
14 Howard. I suggest that if you have a few more questions
15 for Ms. McPherson, we can certainly do those, but if you
16 would like to -- I kind of see some of the points you
17 are making with your questions here, if you would like
18 to say more on those.

19 MR. HENRICKSON: I am done with that area.
20 That really upsets me about somebody beating a dead
21 horse when there's no horse to beat. I am done with
22 that area.

23 JUDGE HOWARD: Are you done with your
24 questions for this witness?

25 MR. HENRICKSON: No.

1 JUDGE HOWARD: We can do a few more minutes
2 of questions, if you have them.

3 CROSS-EXAMINATION (CONTINUED)

4 BY MR. HENRICKSON:

5 Q. So when you contacted me, this was a new job to
6 you?

7 A. Well, relatively new. I believe I have been in
8 this position for five months, but I initially contacted
9 you regarding advertisement.

10 Q. And you said you contacted me at an address?

11 A. I sent a technical assistance letter initially
12 to you, and as we had stated, it was returned. I spoke
13 with you by phone and then I sent it to what you have
14 listed on record as your current address.

15 Q. What did we speak to about on the phone?

16 A. I discussed the solid waste rules, the
17 advertisements on Craigslist, the violations of the
18 verbiage requesting or providing garbage services. I
19 requested you to remove those advertisements. You had
20 said to me that you didn't believe that you needed to
21 change those advertisements. You had stated to me that
22 you had the smallest truck at the dump, and that you did
23 not feel that you were in violation of the rules.

24 Q. I mean, how many conversations have we had?

25 A. Multiple.

1 Q. Multiple.

2 How many people did you contact in regards to
3 this case?

4 A. With some companies, again, multiple, depending
5 on the varying needs of some companies require a lot
6 more technical assistance than you were provided because
7 they are trying to become in compliance with the
8 Commission and assisted with applying for a solid waste
9 permit or solid waste certificate.

10 Other companies are far less than you because
11 they become compliant and removed their ads, either
12 ceased doing their business and modified so they are in
13 compliance with the Commission rules.

14 Q. How many people in-house are you talking to
15 regards to those?

16 A. In-house, in the company's house or within the
17 Commission house?

18 Q. All together.

19 A. Okay.

20 Overall, with companies that I work with, I
21 normally have one main contact that I work with.
22 Occasionally there might be a second person who also
23 owns the company and I will work with both of them.

24 Within the Commission typically, but not
25 normally, exclusively, but typically, my only

1 communication regarding companies that may be in
2 violation is with my supervisor, because he is the
3 person who signs the compliance letter that I send to
4 assist the company with technical assistance.

5 Q. Are you aware of the documentation that's
6 included with this case?

7 A. Yes.

8 Q. How much documentation do you think there is?

9 A. I could not be specific. It has been to hearing
10 now four times, including today, so there is a lot of
11 commission documentation that follows along with any
12 hearing.

13 Q. Are you aware that I have over one foot of
14 paperwork on my desk in front of me right now?

15 A. I can imagine.

16 Q. Are you aware that you have emails in-house with
17 20 other individuals?

18 MR. ROBERSON: Objection.

19 Judge Howard, I am not sure what relevance
20 this has.

21 MR. HENRICKSON: The relevant is she
22 communicates with so many people in regards to this
23 accusation of garbage that she is all over the place.
24 There's almost a thousand emails. There's 30 other
25 people that are cc'd on this on a daily basis. There

1 have been multiple attorneys and businesses, there's
2 been judges and it's just unfathomable.

3 JUDGE HOWARD: Mr. Henrickson, I am going to
4 start talking now, okay?

5 I am going to say a few things. I do want
6 to give you leeway. If you have some questions you want
7 to have or some testimony you want to give later, then I
8 am certainly going to allow that, but I want you to know
9 that I have -- I am tasked under Washington regulations
10 with just deciding basically a single issue here, which
11 is whether Concrete and More operated as a solid waste
12 carrier.

13 MR. HENRICKSON: And I am leading to that,
14 your Honor. We will get there. I don't have an hour of
15 questions, trust me.

16 JUDGE HOWARD: Okay.

17 MR. HENRICKSON: I have a couple of points
18 that I am leading to that will end then in a conclusion.

19 JUDGE HOWARD: I just want to be mindful of
20 our time, but I do want to give you your chance. So
21 proceed.

22 CROSS-EXAMINATION (CONTINUED)

23 BY MR. HENRICKSON:

24 Q. So all these conversations, don't you think that
25 you can be confused about our conversations, when and

1 how they happened?

2 A. That's a very good question. That is why in
3 our -- each time I speak with a company, as I speak with
4 that company, I document in our investigation the
5 details of those conversations and subsequent actions
6 that need to be taken after those conversations for
7 follow-up.

8 Q. Are you aware that you accidentally sent to me
9 your documentation to have professionals clean it up
10 with your 30 people roundabout cc's?

11 A. I don't understand that question.

12 Q. The 30 people that are cleaning your documents
13 for your perfection, how would they have relevance to
14 our conversations?

15 MR. ROBERSON: Objection. This is, in fact,
16 not in evidence.

17 JUDGE HOWARD: I am going to grant the
18 objection.

19 Mr. Henrickson, would you just, please,
20 continue on and try to bring it to your point you would
21 like to make about the -- really the single issue before
22 me today.

23 CROSS-EXAMINATION (CONTINUED)

24 BY MR. HENRICKSON:

25 Q. Approximately how many phone calls did you make

1 to me?

2 A. Approximately ten over the course of two years.

3 Q. Did you have other people contact me?

4 A. I believe you requested my supervisor contact
5 you.

6 Q. Are you aware that I received numerous crank
7 phone calls from your office?

8 MR. ROBERSON: Objection. Argumentative and
9 assumes facts not in evidence.

10 JUDGE HOWARD: I am going to allow -- I am
11 going to briefly, very briefly -- I am going to allow a
12 couple minutes of questioning here on this issue.

13 I am going to allow Mr. Henrickson some
14 leeway to show me why he thinks this is relevant. But,
15 again, I am going to remind him that I am charged with
16 deciding a very narrow issue here and I have some broad
17 authority to decide some other claims. So I will
18 allow --

19 MR. HENRICKSON: I will tell you my point.
20 My point is that this is actually vindictive. I don't
21 actually deal in garbage. This is some sort of an
22 argument that led to harassment, led to police phone
23 calls. It led to crank phone calls asking me if my
24 refrigerator is running. There's hundreds of phone
25 calls made to me by this party.

1 And there's -- I requested the documents
2 from UTC. There's so many documents and clarified by an
3 attorney that's all crossed up and phone calls that this
4 is probably \$100,000 operation now. I mean, just a
5 rough estimate.

6 But the harassment and the phone calls that
7 continue, this was actually more vindictive. And we
8 will get to the ads, but this is actually a vindictive
9 argument that Kathryn and I had when her initial phone
10 call came from.

11 JUDGE HOWARD: Mr. Henrickson, I am going to
12 start talking.

13 So I am going to allow you to ask a few
14 minutes of questioning on this topic. I want you to try
15 to focus on what the issue is relevant here. I don't
16 want to spend a lot of time on this. The Commission has
17 other case before it, and I am -- you know, I am going
18 to give you leeway here, so, please, if you have a few
19 questions for Ms. McPherson, I will, I will allow it.
20 You have a few more minutes on this. You can feel free
21 to testify as well when it's your turn to testify.

22 MR. HENRICKSON: Again, that's where it's
23 going to lead to, for me to testify.

24 CROSS-EXAMINATION (CONTINUED)

25 BY MR. HENRICKSON:

1 Q. Ms. McPherson, are you aware that HireRush
2 advertises for people?

3 A. Yes.

4 Q. Do you know how they make their money?

5 A. No.

6 Q. Are you aware that they go out and find jobs and
7 then they alert people to, Hey, I found you this job, I
8 want 20%?

9 A. I am unaware of the procedures of HireRush as a
10 business. I just --

11 Q. Have you ever done business with HireRush?

12 A. I just discovered the advertisement for HireRush
13 with your information on it.

14 Q. So you are aware that I never conversed with
15 HireRush and someone did the advertisement for me?

16 A. I couldn't answer that.

17 Q. Are you aware that people sit at home nowadays
18 and try to find a way to -- what do they call that when
19 they -- they try to pawn it off on the computer for
20 other people, so they advertise for people and then they
21 try to get the 20% off their logistics?

22 A. I have no knowledge of that.

23 Q. So it is a possibility that I did not do any of
24 these advertisements?

25 A. I only used advertisements discovered with the

1 information that was provided in this advertisement to
2 determine if there was a violation of the RCW.

3 Q. Wasn't it when we first communicated, not about
4 garbage, it was about the advertisement and I informed
5 you that I do not advertise, which led into an argument?

6 A. I do not have that in my notes specifically. I
7 have in my notes that I discussed with you the
8 advertisement on Craigslist that the advertisement
9 needed to be changed and you could not provide solid
10 waste services or advertise solid waste services.

11 Q. You said in earlier, our conversation that we
12 had for years, was all done at that first time we
13 conversed?

14 A. Was all -- could you repeat that last part of
15 the question; was all what?

16 Q. Didn't you condense our few years of
17 conversation into one conversation that we initially
18 had?

19 A. No, I have multiple notes on multiple
20 conversations.

21 Q. Didn't I end up hanging up on you?

22 A. I believe you did.

23 Q. And it was from an argument. I have no
24 recollection of what you are talking about.

25 A. I don't remember those words, but I do remember

1 you getting very upset.

2 Q. And I told you that you are uneducated and not
3 to contact me anymore, and that you were to mail me any
4 information so that there was a paper trail?

5 A. I specifically do not remember you stating that
6 because you refused to provide your address for me.

7 Q. And in turn you mailed an address from ten years
8 ago, correct, because it was sent back to you?

9 A. As it was stated in previous testimony, I did
10 email a previous address you had. However, the second
11 compliance letter you had confirmed that you received
12 was mailed to 22720 Third Avenue A, Lake Stevens,
13 Washington, which subsequently today you did state is
14 your current address.

15 Q. Wasn't this after probably five or six crank
16 phone calls or calls that you kept on calling me and
17 harassing me and I threatened to call the police?

18 MR. ROBERSON: Objection, argumentative.

19 JUDGE HOWARD: I'll allow the question.

20 THE WITNESS: For the record, I have not
21 called you or anyone a crank phone call. Any phone
22 calls that I had with you were regarding the compliance
23 of Washington State rules and to try to work with you to
24 avoid leading into court where you would have possible
25 penalties.

1 BY MR. HENRICKSON:

2 Q. So when I received the letter -- did I not phone
3 you back the day after I received the letter?

4 A. I believe you did phone call me when you had
5 received the letter. I have notes that we had spoken
6 and you confirmed that you had received the confirmation
7 of your compliance letters.

8 Q. And didn't I reiterate that that is not my
9 business, and anybody that was related to or trying to
10 advertise for me, I would try to fix any scenario that
11 you had a problem with?

12 A. I believe you had agreed that you would take
13 down the advertisement stating garbage services.
14 However, that was not done for, subsequently for about
15 four or five months after that phone call conversation.
16 But you did say you would remove the advertisement and
17 you did acknowledge you understood the violations of
18 those rules in that conversation.

19 You did also state you felt these were harassing
20 phone calls, and I did state that I wanted to make sure
21 that you were in compliance because, again, as I stated
22 before, I was trying to avoid the situation that we are
23 in right now.

24 Q. And didn't we, again, argue about your logic?
25 This is in regards back to the same old trash bag stuff.

1 Would a person take down their advertisement if they
2 were advertising if they were subject to a fine?

3 A. You would think so.

4 (Cross talk)

5 JUDGE HOWARD: Mr. Henrickson, we are
6 starting to talk over each other, which is very
7 difficult when we have these video-type hearings.

8 So right now we are at 10:50. So we had 35
9 minutes of cross-examination and there's essentially a
10 very limited case with two charges, so two rounds for
11 penalties. So, you know, an admission of other cases
12 before, I do want to give you leeway, but I think we
13 need to wrap it up and then I will give you a chance to
14 testify.

15 Do you have two or three more questions at
16 the most?

17 CROSS-EXAMINATION (CONTINUED)

18 BY MR. HENRICKSON:

19 Q. Didn't you contact me and tell me that I had won
20 my case and this was over?

21 A. Absolutely incorrect.

22 Q. And you wanted my new address?

23 A. No. The only time I requested an address from
24 you was the initial time when I requested the address
25 and you refused. And then after a default order because

1 you did not show for your first hearing case, you had
2 contacted Judge Pearson and she had allowed you to have
3 a new court date.

4 I called you per the request of Judge Pearson to
5 find a current address to send dockets for a new date,
6 at which time you also refused to provide me with a new
7 address.

8 Q. Meanwhile, didn't you get a judgment against me
9 through Judge Pearson telling that I was served
10 properly?

11 A. Judge Pearson issued a default order when you
12 did not appear in court. And as I stated in my previous
13 statement to this, that after you contacted her was
14 overturned and then we had a second date.

15 Q. Weren't you aware that you didn't serve me
16 properly, you served the wrong address?

17 MR. ROBERSON: Objection, relevance.

18 JUDGE HOWARD: I think I am going to grant
19 the objection. Mr. Henrickson, I am going to grant the
20 objection.

21 I did -- I have allowed for additional
22 questions after I asked, so we need to conclude this. I
23 will definitely give you time to testify and to give a
24 closing statement.

25 Mr. Roberson, do you have any redirect for

1 the witness?

2 MR. ROBERSON: I have a limited amount of
3 redirect, Judge Howard.

4 JUDGE HOWARD: All right.

5 REDIRECT EXAMINATION

6 BY MR. ROBERSON:

7 Q. Ms. McPherson, at the start of your
8 cross-examination there was a lot of discussion about
9 garbage or junk. Which of those two words did the
10 advertisements use?

11 A. The advertisements specifically say garbage.

12 Q. And when you texted the number, it was
13 (425) 686-5270, you -- did you ask the person that you
14 texted that to to haul junk or garbage?

15 A. I said that I had a picture of stuff, which
16 included garbage bags, and I needed it taken to the
17 dump.

18 Q. My apologies. When you emailed Exhibit KM-4,
19 did you ask whether the person hauled junk or garbage?

20 A. I was very specific about garbage.

21 Q. Did the Craigslist ads in September -- those are
22 after you spoke with Mr. Henrickson on the phone,
23 correct?

24 A. Yes.

25 Q. And did those advertisements reflect any change

1 of verbiage? Did they use junk instead of garbage?

2 A. No, there was no mention of junk hauling or junk
3 removal services in our first initial contact with
4 Mr. Henrickson. Any advertisements that were in
5 Craigslist were all verbiage of garbage removal
6 services, leading up to the first court date.

7 Q. Now, you were generally asked about solid waste
8 services in Snohomish County. To your knowledge, is
9 curbside garbage and recycling performed by a certified
10 carrier in Snohomish County?

11 A. Yes, it is.

12 Q. So is it fair to say that that service is free?

13 A. It is not free to have solid waste services
14 within Snohomish County, to the best of my knowledge.
15 If somebody is a renter, it possibly may be included in
16 their rent. I am not knowledgeable to that.

17 I was very specific in my email and texts that I
18 was going to be charged additional by the garbage
19 company and that's why I was seeking services.

20 MR. ROBERSON: And I think that's actually
21 all the questions I have, Judge Howard.

22 JUDGE HOWARD: All right.

23 Mr. Henrickson, I will swear you in and then
24 you will have an opportunity to testify in your behalf.

25

1 PAUL HENRICKSON, witness herein, having been
2 first duly sworn on oath,
3 was examined and testified
4 as follows:

5
6 JUDGE HOWARD: You may proceed to testify on
7 your behalf.

8 MR. HENRICKSON: Now, I am just going to
9 tell what happened, and should be short, sweet and
10 simple.

11 I had a company a long time ago before I
12 moved to Australia. I have a Master's degree. I have
13 been national sales manager of a large company. I have
14 a professional background. I do not haul garbage,
15 garbage bags or anything like that.

16 I have lived in other countries. I like
17 things short, sweet and simple. And I don't like to
18 beat around the bush.

19 This case has beat around the bush and they
20 have taken advantage of it with their employment, I wish
21 I had a job like that. The attorneys doing thousands of
22 emails, crossing stuff up. There might be frickin'
23 thieves galore with this whole deal.

24 The UTC lady, one foot of paperwork on my
25 desk, and I didn't even receive all of the information I

1 requested. I didn't get the administrative recording,
2 that they said they served me and got a judgment against
3 me, I never received that.

4 I did receive a phone call from
5 Ms. McPherson and it was rude. And to me my phone rings
6 all the time, I do international sales. I own a company
7 where I actually testified for the court for kids on
8 behalf so they can see their parents and nursing and
9 supervision, and I do that full time.

10 So when somebody calls me in regards to
11 garbage, I am like, I have no idea what you are talking
12 about. And basically to me, it will be either one of
13 those sales calls you get where they are trying to do
14 ads for me and get a 20% kickback, which is the in thing
15 to do now. People think they can sit at home and get
16 20% off of finding somebody to do labor work. So they
17 will advertise for you and then they will call you.

18 So I hire whatever the company is, they
19 advertise and then they -- you have to sit there and pay
20 for their lease. You cannot do business with them. I
21 do not know how anybody contacted me.

22 I looked up HireRush, I tried to contact
23 them, and there's a complaint on HireRush that says I
24 contacted (425) 686-5270. Some lady did contact, I had
25 no idea what she was talking about and she writes that

1 in her thing and said he didn't show.

2 I have no idea what anybody's talking about.
3 You have to sit there and pay for HireRush so that they
4 get their 20%. I have no idea what anybody is talking
5 about. I tried to sit there and contact them, close the
6 account. They wouldn't let me close the account because
7 they said I am not even privy to the account.

8 So I wrote a thing on there saying I have no
9 idea what this is in regards about. I believe
10 Ms. McPherson even continued after that and wrote a bad
11 response about me, but I have never even done business
12 with these people.

13 I have been harassed by Ms. McPherson since
14 their initial phone call. There's been probably 300
15 phone calls from her, her staff, and the attorney. I
16 would say about 10% of them have been crank phone calls
17 such as is your fridge running, maybe you should go
18 catch it. Stupid phone calls like that where I get from
19 them. You won the lawsuit. Since I moved again, we
20 need your new address so we can send you the winning
21 judgment.

22 Also when the judge did the original
23 judgment, I received a phone call from Ms. McPherson
24 saying that she was aware that they served the wrong
25 address, that they didn't have my correct address, and

1 she wanted me to drive down to court the next day to
2 appear in front of the judge. I said are you kidding
3 me. So we got in another argument. She went to court
4 the next day, her and an attorney on the phone, she got
5 a judgment against me when they didn't even serve me.

6 These are the things that I have been
7 dealing with these people, nothing but lies, deceit and
8 misleading this whole thing.

9 I do not deal in garbage. I do not
10 advertise garbage. And when Kathryn McPherson contacted
11 me, we initially got into an argument and I said, Hey,
12 mail me whatever your problem is.

13 When she finally did mail me, I responded to
14 her ASAP and I said I will do my due diligence to fix
15 anything that you have a problem with.

16 This led into more arguments, and I said I
17 have no control over what other people do. I will do my
18 due diligence and try to -- and if you look up HireRush,
19 it's me complaining about their system. I cannot even
20 access my own name. I cannot do anything. So I do not
21 have control over these people that are trying to make
22 20% off of me. I did my due diligence for everything.

23 And in addition, she has no logic. And now
24 it's the thing I told her all the time, I said, you are
25 not very logical in your stuff. I would change the ad

1 if I had the power to go change garbage to junk. It's
2 not -- that would not be hard. And I would not want a
3 ton of paperwork on my desk. I don't want crank phone
4 calls.

5 I threatened to call the police on them
6 probably a dozen times. This has gotten way out of
7 hand. It's abusive, it's abusive on not me, but
8 taxpayers as well. This is ridiculous abuse of a system
9 that I have ever seen.

10 And I believe the last judge wanted to find
11 out more about this so that they could have some more
12 structure in the system and that there was a flaw in the
13 system.

14 I believe that since she was doing her job,
15 she didn't know what she was doing. I don't know where
16 she was mailing to. Concrete and More, that was a
17 Concrete and More where I did sports games, playgrounds.
18 I deal with Microsoft billionaires, whatever. I am not
19 dealing with five bags of garbage. I have no idea what
20 the heck they are talking about.

21 I do tennis courts, school construction,
22 that was back then before I moved to Australia, then I
23 became national sales manager of Australia. I just
24 moved back from Australia once she contacted me. I
25 didn't know what she was talking about.

1 So the thing is that she said well, even an
2 F350, that's for hauling, not an F250.

3 If somebody did email me something at junk
4 and they are sitting there saying something stupid or
5 something like that, yeah, my response would be an
6 attempt to go away.

7 And if I would have said something to make
8 them respond back to something, there was no intent
9 there of me doing any garbage job for her. It was
10 basically if I responded to somebody like that, why I
11 received so many texts, that would be go away, get away
12 from me. Because if there was logic in it and they got
13 a free service for taking out five bags of trash, they
14 are going to go for the service.

15 Might have been a kind way if she didn't
16 text me. I have no idea. I don't remember any texts
17 like that. If it was, it was in garbage to me. I had
18 dismissed it. I don't deal in garbage.

19 But the thing is, they haven't heard from me
20 ever since all of this extreme accusations and fines
21 that they are giving me. And it says on the first
22 thing, and RCW whatever says that, 34.05.110, that
23 violations would be -- the first violation would just be
24 a warning. I never even got a warning. I never got
25 anything.

1 Just for frickin' A to Z and it all stemmed
2 from an angry individual, Kathryn McPherson, and he
3 called her ignorant on her education. And I think I hit
4 the nail on her head when she told me her education
5 earlier on the phone.

6 MR. ROBERSON: Objection. Argumentative.

7 JUDGE HOWARD: I am going to give him --
8 Mr. Henrickson, I am speaking, I am talking.

9 Mr. Roberson made an objection.

10 Mr. Henrickson, I am talking.

11 Mr. Roberson, I see your objection, but I am
12 going to give him leeway because he is pro se.

13 So Mr. Henrickson, you may continue, just
14 please be careful about speaking over me.

15 MR. HENRICKSON: It's hard to tell who is
16 speaking to be honest.

17 JUDGE HOWARD: I understand.

18 MR. HENRICKSON: So basically, you know,
19 with all this stuff that's gone on, it hasn't been
20 happening anymore.

21 So I hire Rush saying, oh, we did something,
22 the account is canceled, or I texted them, I emailed
23 them and I said who is this, what are you doing,
24 advertising? They canceled it, Craigslist ads,
25 whatever, I don't see any more of that stuff. And I

1 don't hear any more from Ms. McPherson.

2 So to me this whole thing is just done and
3 has been done for quite some time. The only thing I got
4 a problem with is the vindictiveness, the lies and the
5 deceit and the crank phone calls. It was very
6 unprofessional, and I am being 100% honest about
7 everything. And it's just been ridiculous.

8 This has been hair-changing-color type
9 situation where I have been harassed. And actually, I
10 was actually considering suing UTC because I could prove
11 it with all the phone calls and everything.

12 I didn't want to spend as many hours as they
13 got into this. I have, what, three hours into this.
14 They have got, what, 20,000, 30 other people, and this
15 is the best case they can throw forward.

16 Oh, we served him properly. We mailed him.
17 They mailed something before I lived in Australia. I
18 have dual citizenship. This is just ridiculous. It's
19 beyond out of control abuse. And then the attorney was
20 aware of that they didn't serve me properly.

21 So, you know, these things are just out of
22 control. And I have nothing further to say.

23 JUDGE HOWARD: All right, thank you,
24 Mr. Henrickson.

25 Mr. Roberson, do you have any questions for

1 Mr. Henrickson?

2 MR. ROBERSON: I do have a couple.

3 JUDGE HOWARD: You may proceed.

4 CROSS-RE-EXAMINATION

5 BY MR. ROBERSON:

6 Q. Mr. Henrickson, you are calling in right now on
7 the number (425) 686-5270, correct?

8 A. Yes.

9 Q. That's your phone number?

10 A. That's my phone number.

11 Q. Okay.

12 So when someone emails Craigslist or HireRush,
13 the email gets forwarded on, correct, to someone else?

14 A. I would assume so.

15 Q. So when Ms. McPherson sent the request for a
16 quote, in response to that Craigslist ad, she got a text
17 message, or she got an email saying text this number,
18 correct?

19 A. Yes.

20 Q. And that number was your phone number, correct,
21 (425) 686-5270?

22 A. Correct.

23 Q. And the offer and the exchange over the text
24 message, that was outside of the purview of HireRush or
25 Craigslist, right?

1 A. The what?

2 Q. It's just between those two people, right? It
3 doesn't go to Craigslist or HireRush, right?

4 A. Yeah, it does, and I tell you how they do it.
5 So they will contact the customers, did this person do
6 business with you, or they will contact me, and there's
7 probably, I would say ten different individuals in the
8 last couple years that have done this logistics thing
9 for me or towards me. Where I get phone calls all the
10 time for logistics, logistics people sit at home
11 nowadays making 20% off of what other people do.

12 I will get a phone call, Hey, can you do this,
13 Hey, can you do that? Well, yeah, I am in construction,
14 I do these things, you know, not garbage, but other
15 things.

16 And so somebody might get a phone call for
17 something stupid and they will call me, and I am like
18 no, don't do that. Or it's illogical, or it's a waste
19 of somebody's time and just like go away.

20 So you try to be kind because people come back
21 with more stupid questions, they just waste your time.
22 I don't like wasting time. I am A to Z.

23 Q. I don't suppose you have the names of any of
24 these people who are posting your advertisements for
25 you?

1 A. I did. I haven't had them in quite some time.

2 Q. Do you actually have the names, can you remember
3 any of the names?

4 A. I usually don't remember the names. I have a
5 phone number of people that still text me and they ask
6 me to go pick up loads or something, and I don't deal
7 with the people. But normally, no, there's not even
8 hardly any names. It's just a phone call. Hey, can you
9 do this, can you do that. Hey, can you do this, can you
10 do that, and, can you go look at this bid, can you go
11 look at this job. It's a concrete job, they want a
12 sport court 30 by 60. Hey, can you do this, and it's
13 just a lead. They are just actually finding leads for
14 you.

15 It's a free lead generation. It's just like the
16 website, it's the same thing. Do I remember your name,
17 no, I don't even remember your name, Mr. Attorney. I
18 talk to hundreds of people a day. Just like we are all
19 sitting here saying about Ms. McPherson, how many people
20 did you talk to? Do you give your paperwork and have
21 them rewrite it for you so you can submit it?

22 Yeah, I am complaining about her education and
23 then her calling up and wasting all my time and all the
24 paperwork. Yeah, I am upset, I am really upset.

25 How many emails does -- how much time did it

1 take for that guy to dig up those records and still
2 didn't get me off.

3 MR. ROBERSON: Mr. Henrickson, I move to
4 strike this as nonresponsive.

5 JUDGE HOWARD: I am going to -- that point
6 is well taken. I am not going to grant striking the
7 testimony yet. But Mr. Henrickson, we are going beyond
8 the scope of what Mr. Roberson is asking you.

9 So after Mr. Roberson asks you his
10 questions, I will give you another brief opportunity to
11 offer testimony on your behalf, if you want to respond
12 to anything he asks you. So Mr. Roberson -- Ms. --
13 Mr. Henrickson.

14 MR. HENRICKSON: Just beating that horse,
15 same thing. Ask a few questions, going to be the same
16 answers.

17 JUDGE HOWARD: I think we are all hoping to
18 get through this hearing at this point.

19 So Mr. Roberson, finish your cross and then
20 I will allow a brief opportunity for Mr. Henrickson to
21 respond on his behalf.

22 MR. ROBERSON: You know, actually, I think I
23 have no further questions. Thank you.

24 JUDGE HOWARD: Mr. Henrickson, would you
25 like to just briefly state and give any testimony on

1 your behalf in response to what Mr. Roberson asked.

2 MR. HENRICKSON: Yeah, I just did my due
3 diligence, and asked me to take care of something, did
4 my due diligence. Anybody that contacted me in regards
5 to that, they don't contact me anymore. What can I say,
6 what can I do.

7 I didn't do business with any of these
8 people. Most of them were fly by, sitting-at-home type
9 of individuals. Like I said, they do their follow-up
10 and then try to get their 20%. They'll contact the tax
11 department who does business with me. If you look it up
12 on the internet, it's me complaining about these
13 individuals. If you look up my name, I don't appreciate
14 the harassment and I believe it still continues. And I
15 believe Ms. McPherson also wrote a bad review about me
16 when I have never done business with them. And I am
17 going like, okay, never even heard of it, never even got
18 a phone call once. The only time it has come up was
19 with Ms. McPherson.

20 So we have been going at it for two years
21 now, hard core, over the phone. This is vindictive,
22 this is out of control and I want it to stop.

23 JUDGE HOWARD: Thank you, Mr. Henrickson.
24 Is that all you have?

25 MR. HENRICKSON: That's all I have. I

1 didn't do anything. I don't deal in garbage, what do
2 you want me to say.

3 JUDGE HOWARD: Thank you, Mr. Henrickson,
4 and thank you, Ms. McPherson, both of you for your
5 testimony today.

6 I will take this all under advisement and
7 issue an order soon. Before we adjourn, I would like to
8 ask the parties to waive their requirement to issue an
9 order in ten days, because I would like to have the
10 transcript of this hearing available to me when I am
11 writing my decision.

12 And we usually receive that within roughly
13 seven to ten days. And then I would try to issue an
14 order within five business days from the date I received
15 the transcript at the latest.

16 Does either party have an objection to
17 waiving that ten-day requirement?

18 MR. ROBERSON: No objection.

19 JUDGE HOWARD: No objection from you,
20 Mr. Henrickson?

21 MR. HENRICKSON: No.

22 JUDGE HOWARD: All right. In that case, we
23 are adjourned. Thank you all.

24 (Hearing concluded at 11:16 a.m.)

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C E R T I F I C A T E

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

I, KIM M. DORE-HACKBARTH, a Certified Shorthand Reporter in and for the State of Washington, do hereby certify that the foregoing transcript is true and accurate to the best of my knowledge, skill and ability.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 8th day of June, 2021.

Kim Dore-Hackbarth



KIM M. DORE-HACKBARTH, RPR, CCR
Certified Court Reporter No. 2072
(Certification expires 5/27/22.)

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