

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

REPORTED BY KIM DORE-HACKBARTH, RPR, CCR 2072
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(425) 686-5270
11 Pmhenric@yahoo.com

12 ALSO PRESENT: KATHERYN MCPHERSON
13 * * * * *

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1 LACEY, WASHINGTON; MAY 26, 2021
2 9:30 A.M.
3 -o-o-
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

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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?

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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?

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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

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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.

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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

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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.

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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.

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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

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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**

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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.

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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?

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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.

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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.**

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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.

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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

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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

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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

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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

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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?

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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

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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?

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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.

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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.

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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.

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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:

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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

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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

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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**

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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.

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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**

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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.

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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 **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 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 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 **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 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 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 **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 **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 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 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 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 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 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 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 **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.

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 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 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 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

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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.

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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.

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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

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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

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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?**

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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?**

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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

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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 CERTIFICATE
 2
 3 STATE OF WASHINGTON)
) ss.
 4 COUNTY OF KING)
 5
 6 I, KIM M. DORE-HACKBARTH, a Certified Shorthand
 7 Reporter in and for the State of Washington, do hereby
 8 certify that the foregoing transcript is true and
 9 accurate to the best of my knowledge, skill and ability.
 10 IN WITNESS WHEREOF, I have hereunto set my hand
 and seal this 8th day of June, 2021.
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 12
 13 
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 Certified Court Reporter No. 2072
 (Certification expires 5/27/22.)
 15
 16
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 18
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 25



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.)
 25 -000-

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