

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of Determining the Proper  
Carrier Classification of, and Complaint  
for Penalties Against:

NICK ALEXANDER KONOPIK D/B/A  
NICHOLAS KONOPIK AND KRAKEN  
TOURS, LLC

DOCKET TE-190822

DECLARATION OF  
MICHAEL DOTSON

Michael Dotson, under penalty of perjury under the laws of the State of Washington,  
declares as follows:

1. I am employed by the Washington Utilities and Transportation Commission (Commission) as a compliance investigator in the Transportation Safety Division. As a compliance investigator, my responsibilities include conducting investigations into the operations of regulated and unregulated transportation companies. As part of those duties, I investigate charter party and excursion service carriers that may be operating without the required Commission-issued certificate.
2. On January 17, 2019, Kathryn McPherson, compliance investigator, sent a compliance letter to Nick Alexander Konopik, d/b/a Nicholas Konopik and Kraken Tours, LLC, (Kraken Tours or Company) at 840 SE 4th Ave, Oak Harbor, WA 98277.<sup>1</sup> The compliance letter stated that Commission staff believed Kraken Tours was engaging in passenger transportation services that required a Commission-issued certificate, and required Nick Alexander Konopik to respond no later than February 7, 2019, to avoid enforcement action by the Commission. Nick Alexander Konopik failed to respond to Commission staff.
3. On September 19, 2019, I located the Company's website, krakentourswa.com. The homepage states that the Company is now booking tours.<sup>2</sup> On October 3, 2019, I observed that under the website's "book here" link, the Company advertises "Winery, distillery, or brewery tour[s]" for three to four hours, and lists a price of \$48.<sup>3</sup> The Company's website provides a contact email of captn@krakentourswa.com, and provides the Facebook account of

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<sup>1</sup> See Attachment A for a copy of the compliance letter, dated January 17, 2019.

<sup>2</sup> See Attachment B for a copy of the Company's homepage, captured on September 19, 2019.

<sup>3</sup> See Attachment C for a copy of the Company's reservation page, captured on October 3, 2019.

@krakentourswa.<sup>4</sup>

4. On September 19, 2019, I located the Company's Facebook page, [www.facebook.com/krakentourswa](http://www.facebook.com/krakentourswa), which provides a phone number of (206) 520-6417, a link to [www.krakentourswa.com](http://www.krakentourswa.com), and states, "Kraken Tours was started by Nicholas Konopik ... this past year."<sup>5</sup>
5. On September 11, 2019, the Company posted on their Facebook page, "Completely customizable group tours for just \$48 per person! @krakentourswa will take you to every sight, distillery & establishment you want to see on #whidbeyisland – give us a call today. (206) 520-6417."<sup>6</sup>
6. On September, 19, 2019, I searched Washington Secretary of State's (SOS) database which produced records showing Kraken Tours in active status in the state of Washington. The registered agent is listed as Nicholas Konopik, an address of 840 SE 4<sup>th</sup> Avenue, Oak Harbor, WA 98277, and UBI: 604-350-971.<sup>7</sup>
7. On September 19, 2019, I searched Washington State Department of Revenue's Business Licensing Services (DOR) database, and records show Kraken Tours has applied for a business license, but does not appear to have completed the application process. The UBI number for Kraken Tours is 604-350-971.<sup>8</sup>
8. On September 19, 2019, I searched DOR's database for the owner of Kraken Tours, Nicholas Konopik, and found an active business license for Nick Alexander Konopik, d/b/a Nicholas Konopik. DOR lists Nick Alexander Konopik as the governing person, an address of 840 SE 4<sup>th</sup> Avenue, Oak Harbor, WA 98277, and UBI: 604-345-041.<sup>9</sup>
9. On October 3, 2019, I searched Commission records and found that Kraken Tours is not a certificated charter party and excursion service carrier.<sup>10</sup>
10. On September 19, 2019, using an assumed name, I emailed Kraken Tours at [captn@krakentourswa.com](mailto:captn@krakentourswa.com), and requested a quote for a brewery and distillery tour

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<sup>4</sup> See Attachment D for a copy of the Company's "about" page, captured on October 9, 2019.

<sup>5</sup> See Attachment E for a copy of the Company's Facebook page, captured on September 19, 2019.

<sup>6</sup> See Attachment F for a copy of the Company's Facebook page, captured on October 9, 2019.

<sup>7</sup> See Attachment G for a copy of SOS records, captured on September 19, 2019.

<sup>8</sup> See Attachment H for a copy of DOR records, captured on September 19, and October 1, 2019.

<sup>9</sup> *Id.*

<sup>10</sup> See Attachment I for a copy of Commission records, captured October 3, 2019.

for 10 people on Whidbey Island.<sup>11</sup>

11. On September 20, 2019, an individual referring to themselves as “Cap Kraken” responded via email stating, “Whidbey has more wineries than breweries and also a couple really great distilleries! Anacortes has some great breweries as well. We’re happy to put together a route for your group with our recommendations (we could even put together more than one) or if you preferred to choose your own locations, that’s fine too. October 18th is available as of now. We charge 48 dollars a person and you can book those online at krakentourswa.com.”<sup>12</sup>

12. On September 20, 2019, for further clarification, I emailed Kraken Tours to inquire if the Company could increase the number of passengers for the brewery and distillery tour. On September 20, Kraken Tours responded with, “Absolutely. We can accommodate up to 14 people.”<sup>13</sup>

DATED this 24th day of October, 2019, at Lacey, Washington.

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MICHAEL DOTSON

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<sup>11</sup> See Attachment J for a copy of the emails with Kraken Tours.

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*