

**Docket No. TE-210622 - Vol. I**

**In the Matter of Nicolas Papadimas d/b/a/ Orion NW**

**December 8, 2021**



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BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION

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In the Matter of Determining     )  
the Proper Carrier                 )  
Classification of, and             )  
Complaint for Penalties         )  
Against:                             ) Docket No. TE-210622  
                                          )  
                                          )  
NICHOLAS PAPADIMAS,             )  
D/B/A ORION NW                    )

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BRIEF ADJUDICATIVE PROCEEDING

Docket No. TE-210622 Vol. I

(Pages 1-22)

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9:38 a.m.

December 8, 2021

(All participants appearing via videoconference.)

Reported by: Karmen Knudson, RPR, CRR

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APPEARANCES

(All participants appearing via videoconference.)  
FOR THE WASHINGTON UTILITIES AND  
TRANSPORTATION COMMISSION:

MICHAEL DOTSON  
COMPLIANCE INVESTIGATOR  
Washington Utilities and Transportation  
Commission  
P.O. Box 47250  
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COURT REPORTER:

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BUELL REALTIME REPORTING  
1325 Fourth Avenue  
Suite 1840  
Seattle, Washington 98101

ADMINISTRATIVE LAW JUDGE:

ANDREW O'CONNELL

ALSO PRESENT:

PAIGE DOYLE  
JASON SHARP  
MATTHEW PERKINSON  
JASON HOXIT  
COURTNEY WAGNER  
FRANCINE GAGNE  
NICHOLAS PAPIDAMAS

1 THE JUDGE: Good morning. My name is Andrew  
2 O'Connell. I'm an administrative law judge with the  
3 Washington Utilities & Transportation Commission.

4 Today is December 8th, 2021, and the time is  
5 9:38 a.m. This is Docket TE-210622. You're here  
6 because the commission issued a complaint against you  
7 based on information that your business, Nicholas  
8 Papadimas, doing business as Orion NW, is operating or  
9 advertising as a charter party or excursion service  
10 carrier without a certification from the commission.

11 If it's proven that you are in fact engaging  
12 in that conduct, the commission will order you to stop  
13 operating and can impose penalties of up to \$5,000 per  
14 violation.

15 In a moment, I'm going to ask you how you  
16 choose to proceed. You have two options.

17 The first option is that you agree to cease  
18 and desist all unpermitted operations. And if you  
19 choose this option, you must agree to stop providing,  
20 offering, and advertising unpermitted charter and  
21 excursion carrier services unless or until you receive a  
22 permit from the commission. If you choose this option,  
23 you will need to show what you have done to shut down  
24 your business, either completely or partially, so that  
25 you are no longer advertising, offering, or providing

1 unpermitted charter and excursion services in this  
2 state. For example, you'll need to prove that you have  
3 taken down or changed your website or other online  
4 advertisements for your business.

5           If you have obtained a certificate in advance  
6 of this hearing, I'll look to you and staff to inform me  
7 of that in a moment, and we would not ask you to stop  
8 operating but we will want you to acknowledge that you  
9 were operating without a permit and that you agree you  
10 will stop operating if your certificate is suspended or  
11 canceled in the future.

12           The second option, if you believe that your  
13 business is not subject to commission regulation and  
14 challenge that you are operating or advertising as staff  
15 alleges -- in other words, you deny that you advertise,  
16 offer, or provide unpermitted charter and excursion  
17 carrier services -- if you choose this option, you will  
18 need to present evidence that your business is not  
19 subject to regulation by the commission.

20           So I see I have on the line Michael Dotson  
21 from commission staff. He will be speaking for  
22 commission staff this morning. He is a commissioned  
23 compliance investigator.

24           Now that we've gone over your choices, I want  
25 to explain what else is going to happen today.

1           In a few minutes, I will swear you in so that  
2 anything that you say will be under oath. And once you  
3 are sworn in, I will ask you if you understand your  
4 choices for today's hearing and then ask you to state  
5 your choice. If there's anything else you want to  
6 explain to me, you will have a chance to do that.

7           If you choose option one, to testify how  
8 you're getting out of the charter party and excursion  
9 carrier service business, you can explain how you plan  
10 to do that. You'll be given an opportunity to meet with  
11 staff during the break in the hearing to negotiate and  
12 agree a cease and desist order.

13           If you have recently applied to reinstate  
14 your certificate or if you've received a reinstatement  
15 of your certificate, you will also be given an  
16 opportunity to meet with staff to negotiate an agreed  
17 order to resolve this matter. The agreed order would  
18 also deal with a penalty amount.

19           You were served with a complaint that asks  
20 the commission to penalize you for engaging in business  
21 without a permit. The law sets a maximum penalty for  
22 each violation at \$5,000, and staff will recommend a  
23 penalty and you will have a chance to reach an agreement  
24 with staff about that penalty amount, or if you are  
25 unable to agree, staff can explain the recommendation,

1 but the commission will make the final decision about  
2 the penalty amount.

3 And I will say that if you have engaged in  
4 the activity staff alleges, the commission tends to look  
5 more favorably on those who take responsibility for  
6 their actions and willingly come into compliance.

7 If you choose option number two -- that is,  
8 if you deny that you are operating as a charter and  
9 excursion carrier -- we will let staff present its  
10 evidence and then hear from you your testimony in  
11 response.

12 So, Mr. Dotson, I am going to swear you in  
13 now. Am I correct, Mr. Dotson, that you are going to be  
14 appearing on behalf of staff today?

15 MR. DOTSON: That's correct.

16 THE JUDGE: Okay. I will swear you in.  
17 Please raise your right hand.

18 MICHAEL DOTSON

19 duly sworn by the administrative law judge

20 THE JUDGE: Thank you. And will you please  
21 spell your name for the record.

22 MR. DOTSON: M-i-c-h-a-e-l, D-o-t-s-o-n.

23 THE JUDGE: Okay. Thank you.

24 And now I'll swear in a company  
25 representative. I've heard two people on the line. Who

1 will be speaking on behalf of the company? Is it one  
2 person or is it two?

3 MR. PAPIDAMAS: One person, sir.

4 THE JUDGE: Okay. And are you Nicholas  
5 Papadimas?

6 MR. PAPANIMAS: Yes, sir, I am.

7 THE JUDGE: Okay. I would like to swear you  
8 in, if -- wherever you are, will you please raise your  
9 right hand.

10 NICHOLAS PAPANIMAS

11 duly sworn by the administrative law judge

12 THE JUDGE: Thank you. Will you please, for  
13 the record, state your first and last name and spell  
14 your last name for the court reporter.

15 MR. PAPANIMAS: Nicholas Papadimas,  
16 P-a-p-a-d-i-m-a-s.

17 THE JUDGE: Thank you. And will you also  
18 please state your business address.

19 MR. PAPANIMAS: 3719 South 253 Place, Kent,  
20 Washington 98032.

21 THE JUDGE: Thank you. And what is your  
22 position in the business?

23 MR. PAPANIMAS: Owner.

24 THE JUDGE: And did you understand the  
25 choices that I explained earlier, option one and option



1 two?

2 MR. PAPADIMAS: It was kind of complicated.  
3 Pretty much I understand.

4 THE JUDGE: Okay. Well, how would you like  
5 to proceed today? Would you like to take option one or  
6 go option two?

7 MR. PAPADIMAS: I like to contest, sir.

8 THE JUDGE: Okay. So you'd like to challenge  
9 the allegations that staff has put forward?

10 MR. PAPADIMAS: Absolutely.

11 THE JUDGE: Okay. Okay. So representatives  
12 for both sides have been sworn in, Mr. Michael Dotson  
13 from commission staff and Mr. Papadimas from the  
14 company.

15 Let me now turn to staff and ask that it  
16 present its evidence and testimony that Nicholas  
17 Papadimas, doing business as Orion NW, is operating  
18 and/or advertising as a charter party or excursion  
19 services carrier.

20 Mr. Dotson, is it just you? Do you have an  
21 attorney present?

22 MR. DOTSON: It is just me.

23 THE JUDGE: Okay. Let me turn to you. I  
24 remind you that you are under oath, and please present  
25 staff's testimony and evidence.

1           MR. DOTSON: Okay. So Mr. Papadimas has had  
2 a permit -- or had a permit with the commission since  
3 2013. There was a brief stop between now and then where  
4 he was canceled for his lack of insurance, but he  
5 reinstated the permit.

6           October 8th of 2020, Orion NW,  
7 Mr. Papadimas's company, filed a request to cancel the  
8 certificate, citing the economic downturn caused by the  
9 COVID-19 pandemic, and we proceeded to cancel his permit  
10 at that time.

11           On August 4th, I visited the company's  
12 website, which is [www.orionnw.com](http://www.orionnw.com), and under the  
13 Contact Us tab, I requested a quote for transportation  
14 for 20 passengers from Olympia to Seattle and back on  
15 August 15th, 2021.

16           After submitting the request, the request  
17 stated -- or the website stated "Thank you for your  
18 inquiry. We will be back within 24 hours."

19           On August 8th of 2021, I received an email  
20 from [orionnw.com](http://orionnw.com) which quoted transportation costs of  
21 \$1,000. On the 12th of August 2021, I followed up,  
22 requesting the same trip for a future date of August 26,  
23 2021. And on August 13th, 2021, I sent a clarification  
24 and follow-up email confirming that the company was  
25 available on the 26th of 2021. The company confirmed

1 that it was available on that date.

2 And on the company's website, which is  
3 Attachment F of my declaration, you will see a photo of  
4 a large passenger van that would fall within the  
5 commission's regulations.

6 Thank you.

7 THE JUDGE: Okay. So I noticed that along  
8 with your declaration in the docket, you also submitted  
9 some additional documents.

10 Have those been shared with Mr. Papadimas and  
11 the company?

12 MR. DOTSON: The entire declaration has been  
13 shared with the company.

14 THE JUDGE: Okay.

15 Mr. Papadimas, is there any objection to me  
16 entering those documents into the record that Mr. Dotson  
17 has just testified to?

18 MR. PAPADIMAS: Yes, that's correct, sir.

19 THE JUDGE: So, Mr. Papadimas, I want to make  
20 sure I understand. Are you saying that the documents  
21 are correct?

22 MR. PAPADIMAS: They're all correct.  
23 Absolutely.

24 THE JUDGE: Okay. Then I am going to admit  
25 them to the record.

1           Mr. Dotson, can you please explain staff's  
2 recommendation, state and explain staff's recommendation  
3 in light of your testimony.

4           MR. DOTSON: We recommend that it be found  
5 that he was operating as a nonpermitted carrier.

6           THE JUDGE: Okay. Does staff have a  
7 recommendation as to the penalty it's seeking?

8           MR. DOTSON: Oh, we are seeking the full  
9 penalty of \$5,000 for each charge, the advertising and  
10 offering the ride.

11          THE JUDGE: Okay. So \$5,000 for the  
12 advertising and \$5,000 for the offering. Okay.

13          Now let me turn -- well, let me ask first.  
14 Mr. Papadimas, you're going to have an opportunity to  
15 tell your story, to explain your side of it and to give  
16 your testimony. Before I ask you to --

17          MR. PAPADIMAS: Absolutely.

18          THE JUDGE: Before I ask you to do that,  
19 before I ask you to speak on your own behalf, do you  
20 have any questions for Mr. Dotson about --

21          MR. PAPADIMAS: No.

22          THE JUDGE: -- any -- okay.

23          Then let me turn -- let me turn to you and  
24 the company, then, and I'd like to hear your testimony  
25 and any evidence you have that you are not subject to

1 regulation by the commission.

2 Go ahead.

3 MR. PAPADIMAS: You want me to tell you --  
4 tell you my story, sir?

5 THE JUDGE: Yes, go ahead. And I would like  
6 to remind you that you are under oath. But, yes, please  
7 explain --

8 MR. PAPADIMAS: Absolutely. Absolutely.  
9 Absolutely.

10 I was operating the business here with five  
11 vehicles. And pretty much after 2019, we were doing  
12 very well, multi vehicles, about five vehicles, in order  
13 to get fleet insurance.

14 The call came in and I called him to say that  
15 I cancel my certificate, I had put two vehicles for sale  
16 which belonged to the UTC. By that time, I own no  
17 vehicles. I had no opportunity to provide any business.

18 What Mr. Dotson did, he did half the work.  
19 He didn't check the other department for state for hire,  
20 which permits 15-passenger vehicles, which I was  
21 absolutely licensed and permitted with endorsement and  
22 insurance to operate the business. But he done half of  
23 the work. He should have called the for hire department  
24 to see it was fully licensed, operating.

25 By the time I did, I own no vehicles

1    whatsoever other than UTC, which I canceled the  
2    business, but I still have active business in the for  
3    hire. 15-passenger vehicles. Thank you.

4           THE JUDGE: Okay. Mr. Papadimas, I don't  
5    know if the court reporter had a hard time, but I had  
6    only a slight difficulty hearing you because of your  
7    connection. I want to make sure I understood.

8           You said --

9           MR. PAPADIMAS: Okay.

10          THE JUDGE: You said you used to have five  
11    vehicles and then you sold --

12          MR. PAPADIMAS: Yes.

13          THE JUDGE: You sold some of them.

14          (Crosstalk)

15          MR. PAPADIMAS: -- UTC vehicles. UTC, two  
16    vehicles out of the UTC. I sold -- I canceled my  
17    certificate if I sold them. So I have no opportunity  
18    whatsoever to operate them.

19          Meanwhile, I just -- I was operating 15-  
20    passenger vehicle, fully licensed and endorsed. At a  
21    different department, they call it for hire.

22          THE JUDGE: What do they call it?

23          MR. PAPADIMAS: Department of Licensing.  
24    Department of Licensing. Department of Licensing, for  
25    hire.

1 THE JUDGE: Okay.

2 MR. PAPIDIMAS: Other limousine -- other  
3 limousine, I was fully active. That's why I respond to.

4 THE JUDGE: Okay. Have you had the chance to  
5 discuss with staff the regulation between Department of  
6 Licensing and UTC?

7 MR. PAPADIMAS: I have no -- I was fully  
8 permitted to do so.

9 THE JUDGE: Okay.

10 MR. PAPADIMAS: I had no -- no -- nothing by  
11 that time, because I had sold the UTC vehicles, I had  
12 canceled my certificate.

13 I can explain to you if you don't -- if it is  
14 not understood by you, sir.

15 THE JUDGE: No, I understand. You are  
16 testifying that you have 15-passenger vehicles that are  
17 licensed with the Department of Licensing and you --

18 MR. PAPADIMAS: Yes, sir.

19 THE JUDGE: -- you believe they are regulated  
20 as for hire as a limousine.

21 MR. PAPADIMAS: Yes.

22 THE JUDGE: Is that correct?

23 MR. PAPADIMAS: Yes, sir. 15-passenger  
24 vehicles, yes.

25 THE JUDGE: Well, Mr. Papadimas, thank you.

1 I'm going to come back to you again before we conclude,  
2 but I'd like to turn back to Mr. Dotson and staff.

3 Staff, do you have --

4 MR. PAPADIMAS: Absolutely.

5 THE JUDGE: -- any statement in response to  
6 Mr. Papadimas in closing?

7 MR. DOTSON: Yes, sir.

8 So Mr. Papadimas stated that he only operates  
9 15-passenger vehicles at this time for -- under the for  
10 hire with the Department of Licensing.

11 My Attachment F from my declaration shows a  
12 vehicle that is larger than 15 passengers.

13 My attachment G is a Department of Licensing  
14 search that shows that larger vehicle with registered  
15 owner as Nicholas Papadimas still.

16 And finally, Attachment J, which is the  
17 messages between myself and the company, shows that he  
18 offered to give a ride to my pseudonym for 20 people,  
19 which is above the 15 passengers that he is describing.

20 THE JUDGE: Okay. Is there anything else,  
21 Mr. Dotson?

22 MR. PAPADIMAS: Just a clarification on the  
23 penalty from earlier.

24 That penalty was a full \$10,000, with \$9,000  
25 suspended for two years, just to clarify for everybody.



1 THE JUDGE: \$10,000 with \$9,000 --

2 MR. DOTSON: \$9,000 of that penalty suspended  
3 for two years, with \$1,000.

4 Thank you.

5 THE JUDGE: Okay. Let me turn back --  
6 Mr. Papadimas, you heard --

7 MR. PAPADIMAS: Yes, sir.

8 THE JUDGE: -- what Mr. Dotson has reiterated  
9 in response. I think -- I want to give you the  
10 opportunity to, again, if you would like to, address  
11 Mr. Dotson's testimony about there being a larger  
12 vehicle and his request for transportation for more than  
13 15 passengers.

14 MR. PAPADIMAS: Okay. It was no discussion  
15 on one or two vehicles. That's what I was planning, to  
16 operate two vehicles to cover his party.

17 For the advertisement, I don't know what he  
18 did, because it was inactive -- maybe have a picture of  
19 a luxury vehicle which was sold by that time. You can  
20 prove it either the bill of sale or the Department of  
21 Licensing.

22 So I had no vehicles, no opportunity  
23 whatsoever. I had nothing on my hand to go operate a  
24 20-passenger vehicle he said. But we never discussed  
25 whether it be one or two vehicles. That's what I was

1 planning, to operate two vehicles for the group.

2 We never got into the details going to be one  
3 or two vehicles, which I was planning to, because I  
4 thought it was a real (inaudible). So we never  
5 discussed that.

6 Yes, a picture on the website, which was  
7 inactive. I don't know where he get it from. It was  
8 inactive. The website was inactive. That's how --  
9 okay, it was a picture then. Yes, I did remove it, yes,  
10 I couldn't that's about it.

11 But I was planning to operate two vehicles to  
12 do the business, which was never got to the point to  
13 discuss. It was initial contact. That's it.

14 THE JUDGE: Okay.

15 MR. PAPADIMAS: Okay. All the -- all the  
16 transportation going to be legal, because I was fully  
17 endorsed and fully licensed.

18 THE JUDGE: Okay. I understand. And --  
19 (Crosstalk)

20 MR. PAPADIMAS: -- can find out the sale of  
21 the vehicles, like I did the normal procedure, canceled  
22 my certificate, that's all the vehicles, pretty much I'm  
23 looking to retirement.

24 THE JUDGE: Mr. Papadimas, I understand that  
25 you stated you have not had a chance to speak with staff

1 before today about its allegations.

2 MR. PAPADIMAS: Okay.

3 THE JUDGE: I would like to ask you and  
4 Mr. Dotson, would it be beneficial to the parties if you  
5 were able to talk right now off the record and I would  
6 remove myself from this call and then return. Would  
7 that be helpful for the parties?

8 MR. PAPADIMAS: Oh, absolutely.

9 THE JUDGE: Mr. Dotson? Staff?

10 MR. DOTSON: Yeah, that would be fine.

11 THE JUDGE: Okay. So what I'm going to do  
12 is, I'm going to exit the Zoom meeting and,  
13 Mr. Papadimas, we're going to go off the record, and I'm  
14 not going to be on the call anymore and you will be able  
15 to speak with Mr. Dotson. And I've heard testimony from  
16 both sides, and I will allow the two sides to speak, and  
17 then we'll come back together and we will conclude from  
18 there.

19 So let's be off the record.

20 (Recess 10:01 to 10:24 a.m..)

21 THE JUDGE: It is now 10:24 a.m.

22 Mr. Dotson, were you able to talk with the  
23 company and maybe perhaps reach an agreement?

24 MR. DOTSON: We were unable to reach an  
25 agreement.

1 THE JUDGE: Very good. Then we will continue  
2 with the route that we are going on.

3 I would like to take some last statements  
4 from -- or offer the opportunity for last statements  
5 from the parties, starting with staff, and then  
6 Mr. Papadimas, I'll come back to you and I'll give you a  
7 chance to give --

8 MR. PAPADIMAS: Yes, sir.

9 THE JUDGE: -- any last words.

10 So, Mr. Dotson, why don't you go ahead. And  
11 I'll remind you that you're still under oath.

12 MR. DOTSON: Staff has no further statements.

13 THE JUDGE: Okay.

14 Mr. Papadimas, is there anything else that  
15 you would like to say before we conclude today?

16 MR. PAPADIMAS: Well, I want to mention what  
17 I mentioned to Mr. Dotson just a minute ago.

18 I've been in a small business 41 years.  
19 Besides paying the mortgage, the tuition, and working  
20 hard, I never had -- I've had a notice from IRS, state  
21 revenue, and from UTC. Never a single violation in my  
22 life. I never going to risk illegal business because I  
23 put on line whatever I own, my house, my family and  
24 everything. So that was totally out of my line to do  
25 something -- to think about to do something like that.

1           Besides that, at that time, I was fully  
2 licensed to operate business. On these grounds, I  
3 request to dismiss the case, please.

4           I never had a criminal case against me, I  
5 never had any violation my entire career here, 41 years  
6 here in Seattle. 41 years. Never had a single  
7 violation.

8           If I came to the point, I mean -- that's it.  
9 That's it.

10          THE JUDGE: Okay. And I have your testimony  
11 that you gave earlier, and I have staff's as well.

12          MR. PAPADIMAS: Yes, sir.

13          THE JUDGE: I will consider testimony and the  
14 evidence provided by both sides and I will issue a  
15 written order in this case, and it will be served in the  
16 docket and given to both sides.

17          Is there any other business we need to take  
18 care of today? Staff?

19          MR. DOTSON: No.

20          MR. PAPADIMAS: Yes, that's about it.

21          THE JUDGE: Okay. Then with that, we are  
22 adjourned. We'll be off the record. And thank you for  
23 your appearances today.

24          MR. DOTSON: Thank you.

25          MR. PAPIDIMAS: Thank you for the time, sir.

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THE JUDGE: Thank you.  
(Proceedings concluded at 10:27 a.m.)

1 REPORTER'S CERTIFICATE

2 I, KARMEN M. KNUDSON, the undersigned Certified  
3 Court Reporter, pursuant to RCW 5.28.010 authorized to  
4 administer oaths and affirmations in and for the State  
5 of Washington, do hereby certify that the sworn  
6 testimony and/or proceedings, a transcript of which is  
7 attached, was given before me at the time and place  
8 stated therein; that any and/or all witness(es) were  
9 duly sworn to testify to the truth; that the sworn  
10 testimony and/or proceedings were by me stenographically  
11 recorded and transcribed under my supervision, to the  
12 best of my ability; that the foregoing transcript  
13 contains a full, true, and accurate record of all  
14 the sworn testimony and/or proceedings given and  
15 occurring at the time and place stated in the  
16 transcript; that I am in no way related to any party  
17 to the matter, nor to any counsel, nor do I have any  
18 financial interest in the event of the cause.

19 WITNESS MY HAND and DIGITAL SIGNATURE this 14th  
20 day of December, 2021.



21  
22  
23 \_\_\_\_\_  
24 Karmen M. Knudson, CCR, RPR, CRR  
25 Certified Court Reporter No. 1935.