

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

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)

BRIEF ADJUDICATIVE PROCEEDING
Docket No. TE-210622 Vol. I
(Pages 1-22)

9:38 a.m.

December 8, 2021

(All participants appearing via videoconference.)

Reported by: Karmen Knudson, RPR, CRR

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 APPEARANCES
2 (All participants appearing via videoconference.)
3 FOR THE WASHINGTON UTILITIES AND
4 TRANSPORTATION COMMISSION:
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7 Washington Utilities and Transportation
8 Commission
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COURT REPORTER:

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12 Suite 1840
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ADMINISTRATIVE LAW JUDGE:
ANDREW O'CONNELL

ALSO PRESENT:

16 PAIGE DOYLE
17 JASON SHARP
18 MATTHEW PERKINSON
19 JASON HOXIT
20 COURTNEY WAGNER
21 FRANCINE GAGNE
22 NICHOLAS PAPADIMAS
23
24
25

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.

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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,

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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

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1 will be speaking on behalf of the company? Is it one
 2 person or is it two?
 3 MR. PAPANIMAS: 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

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1 two?
 2 MR. PAPANIMAS: 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. PAPANIMAS: 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. PAPANIMAS: 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, 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 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 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. PAPANIMAS: 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. PAPANIMAS: 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 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. PAPANIMAS: 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. PAPANIMAS: They're all correct.
 23 Absolutely.
 24 THE JUDGE: Okay. Then I am going to admit
 25 them to the record.

1 regulation by the commission.
 2 Go ahead.
 3 MR. PAPANIMAS: 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. PAPANIMAS: 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

<p style="text-align: right;">Page 13</p> <p>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.</p>	<p style="text-align: right;">Page 15</p> <p>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.</p>
<p style="text-align: right;">Page 14</p> <p>1 THE JUDGE: Okay. 2 MR. PAPADIMAS: 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.</p>	<p style="text-align: right;">Page 16</p> <p>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</p>

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 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 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. PAPIDIMAS: 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 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.)

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REPORTER'S CERTIFICATE

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

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



Karmen M. Knudson, CCR, RPR, CRR
Certified Court Reporter No. 1935.

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