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BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of Determining the Proper) DOCKET TV-150160
Carrier Classification of, and Complaint)
for Penalties against:)
)
YOST, CHRISTOPHER d/b/a 3 DUDES)
AND A TRUCK)

MOVERS COURT, VOLUME I

Pages 1-40

ADMINISTRATIVE LAW JUDGE RAYNE PEARSON

9:30 A.M.

MARCH 24, 2015

Washington Utilities and Transportation Commission
1300 South Evergreen Park Drive Southwest

Olympia, Washington 98504-7250

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A P P E A R A N C E S

ADMINISTRATIVE LAW JUDGE:

RAYNE PEARSON
Washington Utilities and
Transportation Commission
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WASHINGTON UTILITIES AND

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Olympia, Washington 98504
360.664.1111

* * * * *

0003

1 OLYMPIA, WASHINGTON, MARCH 24, 2015

2 9:30 A.M.

3 -000-

4

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

6

7 JUDGE PEARSON: Good morning. My name is Rayne
8 Pearson. I'm an administrative law judge with the Utilities and
9 Transportation Commission. I am the presiding officer for
10 today's hearing being conducted at the Commission's headquarters
11 in Olympia.

12 Today is Tuesday, March 24, 2015, and it is now 9:30
13 a.m.

14 Today's hearing involves a total of seven household
15 goods carriers, and our first order of business will be to take
16 a roll call to determine which companies are present and
17 identify the name and position of each person responding to the
18 complaint and subpoena.

19 As you can see, there's a court reporter here today
20 creating a record of today's proceedings, so in addition to
21 raising your hand to identify yourself, please also give a
22 verbal response such as "here" or "present" when I call your
23 name. And at some point later this morning, you'll come up to
24 the table here and speak into the microphone, and I will explain
25 how those work when we get to that part of the proceeding.

0004

1 So the first docket number I have is TV-150157,
2 Daniel Saunders, Dan's Professional Moving and Cleaning Service.

3 MR. SAUNDERS: Present.

4 JUDGE PEARSON: Thank you.

5 Next is Docket TV-150158, Marc Dryer, Bellingham
6 Delivery Service.

7 MR. DRYER: Present.

8 JUDGE PEARSON: Thank you.

9 Docket TV-150159, Ivan Ingram, AA Eagle Moving
10 Services.

11 MR. INGRAM: Here.

12 JUDGE PEARSON: Okay. Thank you.

13 Docket TV-150160, Christopher Yost, 3 Dudes and a
14 Truck.

15 Okay. He does not appear to be present yet this
16 morning.

17 Docket TV-150166, Ibrahim A. Suseyi; is that correct?
18 Is that how you say it?

19 MR. SUSEYI: Yes.

20 JUDGE PEARSON: Okay.

21 MS. KLEIN: Present with counsel.

22 JUDGE PEARSON: Okay. The Suseyi Pro Moving Service
23 Company.

24 Next is Docket TV-150171, Ramiro Vasquez, Gets to
25 Packin.

0005

1 MR. VASQUEZ: Here.

2 JUDGE PEARSON: Okay. And Docket TV-150190, Daniel
3 Bradford, Last Minute Movers.

4 Okay. Hearing nothing.

5 So far there are two companies who have not entered
6 an appearance today. Those companies are subject to being held
7 in default and having an order entered against them without a
8 chance to address the Commission, and I will take those cases up
9 later this morning.

10 Each of you are here because over the last several
11 weeks, the Commission filed a complaint alleging that each of
12 your companies is performing or advertising to perform work as a
13 household goods carrier without the Commission-required permit.

14 Under Washington law, it is strictly prohibited to
15 engage in business as a household goods carrier without first
16 obtaining a household goods carrier permit from the Commission.
17 That law, which is cited in the complaint filed against you, can
18 be found at RCW 81.80.075(1).

19 The purpose of today's proceeding is to formally
20 explain your choices under the law, and then hear from each of
21 you regarding which option you wish to pursue.

22 You can choose one of two options on behalf of your
23 company. You can cease and desist providing, offering, and
24 advertising unpermitted household goods services, but if you
25 choose this option, you'll need to demonstrate what you have

0006

1 done to shut down your business either completely or partially
2 to avoid further enforcement action by the Commission.

3 The Commission is going to want to see, and I'm going
4 to want to hear sufficient proof that you are no longer
5 performing illegal household goods moves. For example, if you
6 have taken down or changed your website or other online
7 advertisements of the illegal services. So you'll have to give
8 sufficient assurances that you're no longer going to engage in
9 unlawful household goods moving services.

10 The second option you have is to ask for a formal
11 classification hearing to show why you don't need a permit. If
12 you choose this option, you're contesting the allegations in the
13 complaint and you're claiming to not be conducting household
14 goods moves at all. And for this option we'll schedule a formal
15 hearing for a date in the near future with a deadline several
16 weeks from now for both your company and Commission Staff to
17 declare all witnesses and file all of your exhibits. And I do
18 have some dates available if anyone chooses to take that option.

19 Each of you has a right to be heard by the
20 Commission, and I will call you each up to do that individually.
21 And Commission Staff also has a right to be heard. Ms. Megan
22 Banks will be representing the Commission this morning. She's
23 seated over here to my right. She serves as the Commission
24 compliance investigator.

25 So now that I have explained the general options for

0007

1 each of your companies today, I will explain the rest of today's
2 procedures. In a few minutes, I'll call each of you forward to
3 make your choice on the record about how you want to proceed,
4 and at that time, I'll swear you in with the oath of witness so
5 that anything you tell the Court will be under oath and will be
6 considered sworn testimony.

7 And, again, please speak slowly and clearly and use
8 the microphone that's on the table. Once you're sworn in, I'll
9 ask you if you understand your options for today's hearing, and
10 then ask you to state your preference. If there's anything else
11 that you want to explain to me, you can do so at that time.

12 In each of the complaints, I understand that
13 Commission Staff has not only alleged that you're providing
14 household goods moving services without a permit, they're also
15 seeking to have a penalty imposed. The law sets the maximum
16 penalty for each violation at \$5,000.

17 Staff will be making a penalty recommendation as part
18 of any agreed order that gets entered today. And Ms. Banks will
19 be explaining that recommendation, but the Commission will make
20 the final decision about the amount of the penalty to be
21 imposed. There are a number of factors that are considered, and
22 you may ask to be heard on the matter if you wish.

23 If you choose to testify about how you are getting
24 out of the household goods moving business, I will allow you to
25 make a statement explaining how you plan to do that. And

0008

1 depending on what proof you can provide, you should be able to
2 reach an agreed order resolving this matter with Commission
3 Staff. We will then see if Ms. Banks has any questions for you
4 and I also may have questions, and you may be asked to speak
5 further with Ms. Banks during the Court's recess.

6 And, finally, if you choose to contest the
7 allegations in the complaint, we will schedule another court
8 appearance for the Commission to present the necessary evidence
9 to prove its case, and I will explain the types of documentation
10 that you may need to bring in order to dispute the Commission's
11 evidence if you decide to set up that hearing.

12 After I hear from each company, we'll take a break
13 for about an hour. That will provide Commission Staff time to
14 meet with each of you and prepare a final disposition for the
15 case.

16 For most of you, I believe that Ms. Banks will be
17 presenting agreed orders bringing your companies into compliance
18 or agreements to leave the industry.

19 Ms. Banks, do you have any general statement that you
20 would like to make on behalf of Commission Staff before I call
21 the cases individually?

22 MS. BANKS: Not at this time.

23 JUDGE PEARSON: Okay. Let me swear you in at this
24 point so that you'll be sworn in for the proceeding.

25 ///

0009

1

MEGAN BANKS,

2

witness herein, having been first duly sworn on oath, was

3

examined and testified as follows:

4

5

JUDGE PEARSON: Thank you.

6

Okay. I'll call you each up one by one.

7

Did you have a question?

8

MS. KLEIN: If I may just ask a question, you said

9

there were two options, to either cease your operations or show

10

why are you're exempt, but on the complaint served in our case,

11

there's a third option if you have received a permit, and I

12

didn't hear that option.

13

JUDGE PEARSON: Okay. I think you're the only one

14

who has that option available to them today, so we can take that

15

up when it's your turn.

16

MS. KLEIN: Thank you.

17

JUDGE PEARSON: So, first, I'll call up Docket

18

TV-150157, Daniel Saunders.

19

Mr. Saunders, if you could please raise your right

20

hand.

21

22

DANIEL SAUNDERS,

23

witness herein, having been first duly sworn on oath, was

24

examined and testified as follows:

25

////

0010

1 JUDGE PEARSON: Okay. Is that microphone on?

2 MR. SAUNDERS: Yes, it is.

3 JUDGE PEARSON: There's a red light on? Okay.

4 If you could please state your first and last name
5 for the record, spelling your last name, and then let us know
6 what your position is within the company.

7 MR. SAUNDERS: My name is Daniel Saunders,
8 S-a-u-n-d-e-r-s, and I'm the owner of Dan's Professional Moving
9 and Cleaning Services.

10 JUDGE PEARSON: Okay. And how do you want to proceed
11 this morning?

12 MR. SAUNDERS: I plan to cease, and I have already
13 made proper steps to ceasing my company.

14 JUDGE PEARSON: Okay. Ms. Banks, have you had a
15 chance to verify what Mr. Saunders has done?

16 MS. BANKS: Yes, I have.

17 JUDGE PEARSON: Okay. Great.

18 So do you wish to make a recommendation regarding the
19 cease and desist order?

20 MS. BANKS: Staff would agree with a cease and desist
21 order.

22 JUDGE PEARSON: Okay. So when we take a recess,
23 you'll have the opportunity to speak with Staff and see if you
24 can agree on an order for entry. Essentially, that order will
25 say that you agree you were operating without a permit; that you

0011

1 advertised without a permit; and that you agree to stop
2 operating until you get a permit should you decide to apply for
3 one.

4 And once you're satisfied that you understand all the
5 terms of the order, you and Ms. Banks will both sign it and then
6 present it to me for signature, and it will also include most
7 likely an agreement about the amount of penalty that will be
8 imposed. But if not, you can make your case about why the
9 penalty should be different than what the Staff is recommending.

10 MR. SAUNDERS: Okay.

11 JUDGE PEARSON: Do you have any questions?

12 MR. SAUNDERS: Yeah, a quick question.

13 Is the penalty that's supposedly imposed, will it
14 have to happen, or is there a chance that there won't be any
15 tougher penalties --

16 JUDGE PEARSON: You'll have to speak with Staff about
17 that.

18 MR. SAUNDERS: About that. Okay.

19 JUDGE PEARSON: Okay?

20 MR. SAUNDERS: All right. Great.

21 JUDGE PEARSON: Thank you.

22 MR. SAUNDERS: Thanks.

23 JUDGE PEARSON: All right. Next is TV-150158, Marc
24 Dryer, Bellingham Delivery Service.

25 If you could please stand and raise your right hand.

0012

1

MARC DRYER,

2

witness herein, having been first duly sworn on oath, was

3

examined and testified as follows:

4

5

JUDGE PEARSON: Okay. Please state your first and

6

last name for the record, spelling your last name and tell me

7

what your position is with the company.

8

MR. DRYER: Marc Dryer, D-r-y-e-r. I'm the owner.

9

JUDGE PEARSON: Okay. And how do you want to proceed

10

this morning?

11

MR. DRYER: Well, I'm not quite sure. I'm

12

questioning the process of which I was even subpoenaed. I never

13

received a subpoena. I have proof of that. And I was also

14

given -- I was told in the subpoena documents that were sent to

15

me by Ms. Banks that I was notified of this in 2012 to a

16

particular address; that I needed to comply with these, with

17

having a household goods permit, but I was never -- I never

18

received that either because I never lived at that address, and

19

I have proof of that as well.

20

JUDGE PEARSON: Okay. Just one moment.

21

Ms. Banks, have you given him a copy of the subpoena

22

today?

23

MS. BANKS: No, I have not. I was going to at break.

24

JUDGE PEARSON: Okay. Did you receive it

25

electronically?

0013

1 MR. DRYER: She sent it electronically, yeah, about
2 three days ago.

3 JUDGE PEARSON: Okay. So you've read it?

4 MR. DRYER: Yes.

5 JUDGE PEARSON: Okay.

6 MR. DRYER: But I've had no -- barely any time to
7 prepare. I've been out of the country and I got back and got
8 her e-mail and here we are two days later.

9 JUDGE PEARSON: Okay. Well, by virtue of the fact
10 that you're here today, you have acknowledged that you have been
11 served with the document, so we're going to proceed. And I'll
12 need you to tell me which decision that you would like to make
13 at this time, or you can speak with Ms. Banks during the break
14 if you're not sure.

15 MR. DRYER: Well, I'm not going to cease and desist
16 because I have a business that runs well, so...

17 JUDGE PEARSON: Is your intention to get a permit?

18 MR. DRYER: Or leave the business of household goods
19 moving.

20 JUDGE PEARSON: Okay. So it sounds like --

21 MR. DRYER: I guess I need a clear definition of what
22 that is as well because I was given a warning for this from
23 State Patrol, and then the case was dismissed because I didn't
24 need the things he was saying I needed, which is similar to what
25 she's saying I need.

0014

1 JUDGE PEARSON: Okay. So it sounds like you do have
2 questions for Staff at our break, but it also sounds like your
3 best option would be to agree to an order to cease and desist.
4 And what that means is you're saying that you will not conduct
5 household goods moves within the definitions of the Commission's
6 laws and rules unless and until you get a permit. So it's not
7 saying that you have to stop forever. It's saying that you have
8 to stop doing it without a permit.

9 MR. DRYER: Yeah, which I have already done that.
10 I've taken away advertisements, and I have stopped since I have
11 received that e-mail with the subpoena on it.

12 JUDGE PEARSON: Okay. So it sounds like that's the
13 option you want to pursue, then. You're not contesting that you
14 were providing household goods moves, correct?

15 MR. DRYER: Yes.

16 JUDGE PEARSON: Okay. Okay. So it sounds like
17 that's what you'll want to do, and you can talk to Megan more
18 about that.

19 And have you had the opportunity to see any of his
20 documentation about ceasing business?

21 MS. BANKS: I have not, but I did verify on
22 Craigslist.org.

23 JUDGE PEARSON: Okay. And did you bring anything
24 with you today --

25 MR. DRYER: Mm-hm.

0015

1 JUDGE PEARSON: -- to show Ms. Banks?

2 MR. DRYER: Yes.

3 JUDGE PEARSON: Okay. So you will have an
4 opportunity to do that at recess.

5 MR. DRYER: Okay.

6 JUDGE PEARSON: Okay. Do you have any other
7 questions?

8 MR. DRYER: Not at this time.

9 JUDGE PEARSON: Okay. Thank you.

10 All right. Next is Docket TV-150159, Ivan Ingram, AA
11 Eagle Moving Services.

12 MR. INGRAM: Good morning.

13 JUDGE PEARSON: Good morning. If you could just
14 raise your right hand.

15

16 IVAN INGRAM,

17 witness herein, having been first duly sworn on oath, was
18 examined and testified as follows:

19

20 JUDGE PEARSON: Okay. Thank you.

21 And can you please state your first and last name,
22 spelling your last name for the court reporter.

23 MR. INGRAM: Ivan Ingram; I-n-g-r-a-m.

24 JUDGE PEARSON: And what's your position with the
25 company?

0016

1 MR. INGRAM: I'm a manager of Eagle Moving, not AA
2 Eagle Moving Company.

3 JUDGE PEARSON: Okay. So the name was incorrect?

4 MR. INGRAM: Correct.

5 JUDGE PEARSON: Are you the owner of the company?

6 MR. INGRAM: I am not the owner of the company. I'm
7 a manager.

8 JUDGE PEARSON: Who is the owner of the company?

9 MR. INGRAM: Ronald Winn.

10 JUDGE PEARSON: How do you spell that last name?

11 MR. INGRAM: W-i-n-n.

12 JUDGE PEARSON: Okay. And does Mr. Winn know that
13 you're here today --

14 MR. INGRAM: He does.

15 JUDGE PEARSON: -- on his behalf?

16 MR. INGRAM: He's a long-haul truckdriver, so he
17 can't be here.

18 I was the one that was subpoenaed because the old
19 company was AA Eagle Moving, sole proprietor. I was sole
20 proprietor of that. That was shut down after -- after I was
21 subpoenaed.

22 JUDGE PEARSON: After your proceeding here?

23 MR. INGRAM: Yeah. I had one before --

24 JUDGE PEARSON: Yeah, I recall that.

25 MR. INGRAM: -- a while back, yeah.

0017

1 JUDGE PEARSON: Okay.

2 MR. INGRAM: And so I came here and -- and have just
3 been trying to follow the rules ever since then, you know?

4 And Ron owns this other company, and he's a long-haul
5 truckdriver, he's not around, so I just do the -- the quotes,
6 bidding, answering the phone, so forth, and setting the crews up
7 and sending the guys to work.

8 And the website, that was my fault; totally,
9 completely my fault because the web host said that, you know, if
10 we change that domain name that it would -- we would lose our
11 web presence.

12 JUDGE PEARSON: Which domain name are you talking
13 about?

14 MR. INGRAM: AA Eagle Moving, which is what it's
15 linking. That's why we're here today, saying that I'm operating
16 under AA Eagle Moving --

17 JUDGE PEARSON: I see.

18 MR. INGRAM: -- which is not the case at all.

19 If you went to that website, the photocopies in the
20 report show Eagle Moving's website and...

21 Anyways, as soon as I got all this, it's all taken
22 down. It's gone, so...

23 JUDGE PEARSON: Okay. What about Mr. Winn's company,
24 Eagle Moving? There's no permit for that company either?

25 MR. INGRAM: Yeah, yeah.

0018

1 JUDGE PEARSON: Oh, there is a permit?

2 MR. INGRAM: Yeah.

3 JUDGE PEARSON: It's a permitted company with the
4 Commission?

5 MR. INGRAM: Yeah.

6 JUDGE PEARSON: Okay. So how do you want to proceed
7 this morning? Are you going to sign a cease and desist?

8 MR. INGRAM: Yeah, sure. AA Eagle Moving no longer
9 exists, so...

10 JUDGE PEARSON: Okay. But you do understand that the
11 advertising was out there, and that's why --

12 MR. INGRAM: Right. And...

13 JUDGE PEARSON: -- the violation was...

14 MR. INGRAM: Like I said, that's totally my fault.
15 I -- you know, I was -- I don't know much about the Internet.
16 And that's why AA Eagle in the beginning of mine because I
17 figure that would put me at the top of the list.

18 JUDGE PEARSON: I understand.

19 MR. INGRAM: But -- and then so when the web host
20 said that -- I've fired the web host and everything so new
21 domain names and website and everything will be coming up soon.

22 And I'll e-mail you all that information. And, you
23 know, I just want to follow all the rules and be straightforward
24 and open with you guys, so...

25 JUDGE PEARSON: Okay. So I take it, Ms. Banks, you

0019

1 haven't had a chance to review?

2 MS. BANKS: I did verify that --

3 JUDGE PEARSON: You did.

4 MS. BANKS: -- AAEagleMoving.com has been
5 inactivated.

6 JUDGE PEARSON: Okay. And it looks like you have
7 some documents with you here today that maybe you can...

8 MR. INGRAM: That's just what you guys sent me.

9 JUDGE PEARSON: Oh, okay.

10 MR. INGRAM: I don't really have anything to prove.
11 It's an open book, so whatever you guys need or want.

12 JUDGE PEARSON: Okay. So when we take a recess,
13 you'll have the opportunity to speak with Staff and see if you
14 can agree on a cease and desist order for entry, okay?

15 Do you have any questions?

16 MR. INGRAM: No, that's it.

17 JUDGE PEARSON: Okay. Thank you.

18 MR. INGRAM: I appreciate it. Thank you.

19 JUDGE PEARSON: Okay. Next is Docket TV-150160,
20 Christopher Yost. I believe he's still not here yet, so we'll
21 move on to TV-150166, Ibrahim Suseyi. Good morning.

22 MR. SUSEYI: Good morning.

23 MS. KLEIN: Good morning. Karen Klein, representing
24 Ibrahim Suseyi, Your Honor.

25 JUDGE PEARSON: Thank you.

0020

1 MS. KLEIN: He does have a permit, which I did
2 provide copies of to the Court, so in answer to your question
3 as -- do you need to swear him in?

4 JUDGE PEARSON: Only if he's going to provide
5 testimony. If you're going to represent him...

6 MS. KLEIN: Yes, I am.

7 So he intends to continue. He does have a temporary
8 permit and we want to address the Court on why no penalty should
9 be imposed.

10 But in terms of the choices, he would oppose the
11 cessation of his business. I have spoken to Ms. Banks, and she
12 informed us because the temporary permit was issued, he was
13 permitted to continue, and so -- we're here now, so...

14 JUDGE PEARSON: Yes. Our goal is definitely
15 compliance here, so that's great that you got a permit. I'm
16 happy to hear that.

17 And most likely during the break, then, you'll be
18 discussing the terms of an agreed order for entry with Ms. Banks
19 that, even though you have a permit now, we'll want to probably
20 attach some conditions to you maintaining that permit for a
21 period of time just to ensure that you do stay on top of the
22 insurance and not let it lapse and continue to keep your permit
23 in good standing.

24 MR. SUSEYI: Absolutely.

25 JUDGE PEARSON: Okay.

0021

1 MS. KLEIN: Thank you.

2 JUDGE PEARSON: All right. Thank you.

3 Okay. TV-150171, Ramiro Vasquez, Gets to Packin.

4 Mr. Vasquez, if you could just raise your right hand.

5

6 RAMIRO VASQUEZ,

7 witness herein, having been first duly sworn on oath, was

8 examined and testified as follows:

9

10 JUDGE PEARSON: You can go ahead and have a seat. If
11 both microphones are on, either one is fine.

12 Is the red light on, on that microphone?

13 MR. VASQUEZ: Yeah, this one is on.

14 JUDGE PEARSON: Okay. It sounds like it's on.

15 Okay. If you could state your first and last name,
16 spelling your last name for the court reporter.

17 MR. VASQUEZ: Ramiro Vasquez, V-a-s-q-u-e-z.

18 JUDGE PEARSON: Okay. And what's your position with
19 the company?

20 MR. VASQUEZ: I guess the owner.

21 JUDGE PEARSON: The owner. Okay.

22 And how do you want to proceed this morning?

23 MR. VASQUEZ: I would like cease and desist for right
24 now.

25 JUDGE PEARSON: Okay. Do you have anything to show

0022

1 Ms. Banks that you have shut your business down?

2 MR. VASQUEZ: No, I haven't. I was doing all my
3 advertising basically on Craigslist, and I haven't renewed any
4 of those ads at all. As a matter of fact, the number I was
5 using for that business is no longer even a valid number, so...

6 JUDGE PEARSON: The telephone number?

7 MR. VASQUEZ: Yeah, the telephone number.

8 JUDGE PEARSON: Okay. And, Ms. Banks, have you had
9 the opportunity to look on Craigslist and verify that his ads
10 are no longer up?

11 MS. BANKS: Yes, I have confirmed that.

12 JUDGE PEARSON: Okay. Good. So do you wish to make
13 a recommendation regarding his cease and desist order?

14 MS. BANKS: Staff would agree with a cease and
15 desist.

16 JUDGE PEARSON: Okay. So when we take a recess,
17 you'll have the opportunity to speak with Staff and see if you
18 can come to an agreement --

19 MR. VASQUEZ: Okay.

20 JUDGE PEARSON: -- just like I've told everyone else
21 so far.

22 Do you have any questions?

23 MR. VASQUEZ: Not necessarily.

24 JUDGE PEARSON: Okay. Thank you.

25 MR. VASQUEZ: Thank you.

0023

1 JUDGE PEARSON: And I haven't seen anyone new come
2 into the room, but I will call TV-150190, Daniel Bradford.

3 Okay. So, Ms. Banks, have you had contact with
4 anyone who's not present here today?

5 MS. BANKS: I heard from Mr. Yost, and he said that
6 he would -- he told other Staff members that he would be late.
7 He said about 20 minutes, so...

8 JUDGE PEARSON: Okay. And it's about 20 minutes
9 right now.

10 MS. BANKS: And Mr. Bradford said that he would be
11 coming.

12 JUDGE PEARSON: Okay. All right. Well, we'll go
13 ahead and take a recess at this point.

14 As soon as you have had a chance to review the cease
15 and desist orders and the language with Staff and have your
16 negotiations about the penalties, typically, a portion of the
17 penalty will be suspended, which is what I was explaining just a
18 couple of minutes ago to deter from illegal operations. And you
19 may be asked to pay a portion of the penalty today, and Staff
20 will explain to you how that works.

21 So do you think about an hour will be enough time?

22 MS. BANKS: That should be sufficient.

23 JUDGE PEARSON: Okay. Why don't we plan on coming
24 back around eleven, and at that point, I'll call each of you
25 back up, make sure that you understand the order that you've

0024

1 signed. I'll sign it on the record, and then you will leave
2 with a copy of the order and also be officially served with a
3 copy of the order by mail.

4 Anything else before we take a break?

5 MS. BANKS: No.

6 JUDGE PEARSON: Okay. Does anyone else have any
7 questions at this point?

8 Okay. So at 9:50, then, we are at recess. And I
9 will be in my office. You can just notify me when I need to
10 come back. Thank you.

11 (A break was taken from 9:52 a.m.
12 to 11:14 a.m.)

13 JUDGE PEARSON: Let's be back on the record.

14 There was one of the companies, I believe Christopher
15 Yost, Docket TV-150160, that arrived while we were at recess.

16 Mr. Yost, are you present?

17 MR. YOST: I am.

18 JUDGE PEARSON: Could you please come forward? Is
19 the microphone turned on? Is there a red light on?

20 MR. YOST: Yeah.

21 JUDGE PEARSON: If you could just stand and raise
22 your right hand. I'll swear you in.

23 ///

24 ///

25 ///

0025

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

4
5 JUDGE PEARSON: Thank you. You may be seated.
6 If you could state your first and last name for the
7 record and spell your last name for the court reporter.

8 MR. YOST: Christopher Yost, Y-o-s-t.

9 JUDGE PEARSON: Okay. And are you the owner of 3
10 Dudes and a Truck?

11 MR. YOST: Yeah, I made the business license.

12 JUDGE PEARSON: Okay. So you're the owner of the
13 company?

14 MR. YOST: I don't own any company.

15 JUDGE PEARSON: Who owns the company, then?

16 MR. YOST: I don't know.

17 JUDGE PEARSON: What do you mean you don't know?

18 MR. YOST: I made the business license way back, but
19 I haven't been operating any business.

20 JUDGE PEARSON: Okay. So the company belongs to you.
21 You are the owner of the company. There is no other company
22 owner, correct?

23 MR. YOST: I sent a letter to the IRS saying that we
24 ceased --

25 JUDGE PEARSON: That was a "yes" or "no" question.

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1 MR. YOST: No, I don't own any company.

2 JUDGE PEARSON: So this company didn't belong to you?

3 MR. YOST: No.

4 JUDGE PEARSON: Ever?

5 MR. YOST: I made it a business license.

6 JUDGE PEARSON: You made a business license? That
7 doesn't make any sense.

8 MR. YOST: I sent a letter to the IRS stating that we
9 ceased operations almost the moment I made -- well, in 2013,
10 like the same year that I made the business license.

11 JUDGE PEARSON: So at one point in time, you were the
12 business owner is what you're saying, but the company is no
13 longer active?

14 MR. YOST: I was kind of scammed into getting the
15 business license to help a man named Dave Goldman move. He said
16 he was having issues because his mother had cancer and that he
17 couldn't afford a moving company to move him. And I knew him.
18 We were acquaintances. He offered me to help him move, and all
19 I had to do was get a business license he said. And it costs
20 \$20. And his mother was Kathy (phonetic) Goldman. He said that
21 she worked for the L&I and that she could get me the business
22 license and it would only cost \$20. Then I could help him move.
23 And it ended up taking us two days, and I helped him move. And
24 then he ended up paying me in check and he canceled the check
25 and after that happened, I didn't -- I sent a letter to the IRS

0027

1 and I never moved again.

2 I work for Shilshole Construction where I got hurt.

3 And that was like two years ago, and I haven't worked since.

4 JUDGE PEARSON: Okay. But 3 Dudes and a Truck was
5 your business entity that you created, you're alleging, for the
6 purpose of helping one person move?

7 MR. YOST: Yes.

8 JUDGE PEARSON: Okay. Thank you. That's what I was
9 trying to establish.

10 So you're here today because the Commission filed a
11 complaint alleging that your company is either performing or
12 advertising to perform work as a household goods carrier without
13 a permit, which is strictly prohibited by Washington law. And
14 the purpose of today's proceeding is to formally explain to you
15 what your choices are under the law, and then hear from you
16 about which option you wish to pursue.

17 So you have two choices today. You can either cease
18 and desist from providing, offering, and advertising unpermitted
19 household goods services. And if you choose this option, you'll
20 need to demonstrate what you have done to shut down your
21 business to avoid further enforcement action by the Commission.
22 So the Commission is going to want to see proof that you are no
23 longer performing household goods moves, for example, that you
24 have taken down or changed your website or other online
25 advertisements.

0028

1 The second thing you can do is ask for a formal
2 classification hearing to show why you don't need a permit and
3 if you chose that option, you would be contesting the
4 allegations in the complaint and claim to be offering something
5 other than household goods moves.

6 MR. YOST: I canceled the business license back --
7 way back in 2013.

8 JUDGE PEARSON: Okay. I understand that, and you can
9 take that up with Staff.

10 But the second option for the formal classification
11 hearing, you would be acknowledging that you are performing some
12 sort of service but that it doesn't qualify as a household goods
13 moving service. And that doesn't sound like that's what fits
14 for you today. It sounds like the cease and desist would be
15 what would fit --

16 MR. YOST: Yeah. I was hoping --

17 JUDGE PEARSON: -- for your circumstances.

18 MR. YOST: -- that that process would be done by now
19 because I haven't done any process -- I haven't done any
20 transportation or anything like this. I was kind of tricked
21 into doing this. Like he tricked me into getting a business
22 license. I would have never have done it. Like he was a friend
23 of mine. I knew him.

24 JUDGE PEARSON: Okay. Well, you're here today
25 because Staff found evidence that you are holding yourself out

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1 as a household goods carrier, so that's what we're here to
2 address today.

3 So have you done anything to show Staff that you have
4 taken your advertisements down or that you're no longer --

5 MR. YOST: I don't have any advertisements, so I
6 don't have any. Sure, yes.

7 JUDGE PEARSON: Ms. Banks?

8 MS. BANKS: Staff has confirmed that he has taken
9 down his advertisements on Craigslist.org.

10 JUDGE PEARSON: Okay. Thank you.

11 So it sounds like you will want to proceed with a
12 cease and desist order today, and so what we'll do is we'll go
13 off the record and take a break. And you'll have an opportunity
14 to speak with Ms. Banks about the complaint that was filed
15 against you and how best to resolve it, okay?

16 MR. YOST: Okay.

17 JUDGE PEARSON: Do you have any questions?

18 MR. YOST: No.

19 JUDGE PEARSON: Okay. So, essentially, what you'll
20 be looking at is an order that says that you admit that you
21 advertised and operated without a permit; that you agree to stop
22 operating unless and until you get a permit, should you decide
23 to apply for one. And most likely it will contain a penalty
24 recommendation as well, which you can negotiate with Ms. Banks.

25 MR. YOST: Okay.

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1 JUDGE PEARSON: Okay. So we'll go back off the
2 record. And then once everyone has had an opportunity to
3 complete meeting with Staff, we'll come back. Thank you.

4 (A break was taken from 11:20 a.m.
5 to 1:09 p.m.)

6 JUDGE PEARSON: All right. Good afternoon. Let's be
7 back on the record at approximately 1:08 p.m.

8 I understand that the cease and desist orders have
9 been explained and presented to each company, so I will call you
10 back up one at a time in the order that we went in this morning
11 beginning with Docket TV-150157, Daniel Saunders.

12 Thank you. No, you're already sworn in.

13 Did you have a chance to walk through the order?

14 MR. SAUNDERS: Yes, I was.

15 JUDGE PEARSON: Okay. And do you understand all five
16 pages prior to the signature page?

17 MR. SAUNDERS: Yes.

18 JUDGE PEARSON: Okay. And I see that you and
19 Ms. Banks have both signed it.

20 And just for the record, Ms. Banks, it looks like
21 you've recommended two violations in this case: one for
22 offering a move and one for advertising; is that correct?

23 MS. BANKS: That is correct.

24 JUDGE PEARSON: Okay. And a \$5,000 penalty will be
25 imposed, but the entire penalty will be suspended for a period

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1 of one year; is that correct?

2 MS. BANKS: That is correct.

3 JUDGE PEARSON: Okay. All right.

4 Do you understand, Mr. Saunders, legally what you can
5 and can't do now?

6 MR. SAUNDERS: Yes, I do completely.

7 JUDGE PEARSON: Okay. And you remember that
8 Commission Staff are always available to answer any questions
9 that you might have?

10 MR. SAUNDERS: Yes.

11 JUDGE PEARSON: Okay. Do you have any additional
12 questions about the order?

13 MR. SAUNDERS: No, ma'am.

14 JUDGE PEARSON: Okay. I will go ahead and sign it
15 and hand it back to Ms. Banks, who will have a copy made for
16 you, okay?

17 MR. SAUNDERS: Okay. Am I free to go after?

18 JUDGE PEARSON: After you receive the copy, yes.

19 MR. SAUNDERS: Okay. Thank you.

20 JUDGE PEARSON: Okay. Next is TV-150158, Marc Dryer.

21 Okay. Mr. Dryer, did you have a chance to walk
22 through the order and you understand all of its contents and
23 what you signed?

24 MR. DRYER: Yes.

25 JUDGE PEARSON: Okay. And it looks like, Ms. Banks,

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1 again, you recommended or you've -- yeah, you've recommended two
2 violations: one for offering a move and one for advertising a
3 move?

4 MS. BANKS: That is correct.

5 JUDGE PEARSON: Okay. And, again, there will be a
6 \$5,000 penalty, the entire amount of which will be suspended for
7 a one-year period provided that you permanently refrain from
8 offering household goods moves.

9 And you do understand that?

10 MR. DRYER: Yes.

11 JUDGE PEARSON: Okay. Do you have any questions?

12 MR. DRYER: No.

13 JUDGE PEARSON: Okay. So I will go ahead and sign
14 this order. And if you've already received a copy, then you're
15 free to go as well.

16 MR. DRYER: I believe I did.

17 Do I need the signed copy that she has or...

18 JUDGE PEARSON: You'll receive that in the mail.

19 MR. DRYER: So what I have is good?

20 JUDGE PEARSON: Yes.

21 MR. DRYER: Okay. Thanks.

22 JUDGE PEARSON: Thank you.

23 Next is Docket TV-150159, Ivan Ingram.

24 Mr. Ingram, did you have a chance to go through the
25 order and you understand all of its contents?

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1 MR. INGRAM: I did, and I do.

2 JUDGE PEARSON: Okay. And it looks like, Ms. Banks,
3 again, you have recommended two violations: one for offering a
4 move and one for advertising?

5 MS. BANKS: Correct.

6 JUDGE PEARSON: Okay. And you have also recommended
7 a \$5,000 penalty, a \$4,750 portion of which will be suspended
8 for a period of two years from the date of this order and waived
9 thereafter provided that you, Mr. Ingram, refrain permanently
10 from further operations as a household goods carrier without
11 first obtaining a permit.

12 And then it also says the remaining \$250 penalty was
13 paid today; is that correct?

14 MR. INGRAM: Yeah.

15 JUDGE PEARSON: Okay. Do you have any questions?

16 MR. INGRAM: No.

17 JUDGE PEARSON: Okay. I will sign this order and
18 hand it to Ms. Banks and you are free to go as well.

19 MR. INGRAM: Okay.

20 JUDGE PEARSON: Thank you.

21 Next is TV-150166, Ibrahim Suseyi.

22 So I'm confident that your client understands the
23 contents of the order --

24 MS. KLEIN: Yes.

25 JUDGE PEARSON: -- because he has you here today.

0034

1 MS. KLEIN: Though I do have one question after
2 you're finished.

3 JUDGE PEARSON: Okay. So it looks like, Ms. Banks,
4 you're recommending two violations: one for an advertisement
5 and one for a move offer?

6 MS. BANKS: That's correct.

7 JUDGE PEARSON: Okay. And a \$5,000 penalty, the
8 entirety of which will be suspended for a period of two years
9 provided that you maintain your permit in good standing.

10 And what's your question?

11 MS. KLEIN: We would ask that the Court consider that
12 the period of suspension be one year, not two years.

13 JUDGE PEARSON: I'm going to leave it at two years.
14 That's typically what we do in these cases, particularly for
15 regulated companies. Whenever they have suspended penalties
16 imposed, we do so for a two-year period. And as long as your
17 client complies, that really shouldn't make any difference.

18 Okay. You are free to go.

19 MR. SUSEYI: Thank you.

20 JUDGE PEARSON: Docket TV-150171, Ramiro Vasquez.

21 Okay. Mr. Vasquez, did you have an opportunity to
22 read through the order, and do you understand all of its
23 contents?

24 MR. VASQUEZ: I did.

25 JUDGE PEARSON: Okay. And, Ms. Banks, it looks like

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1 you have recommended two violations again: one for an
2 advertisement and one for offering a move?

3 MS. BANKS: That is correct.

4 JUDGE PEARSON: Okay. And you've also recommended a
5 \$5,000 penalty, a \$4500 portion of which is suspended for a
6 two-year period from the date of this order, correct?

7 MS. BANKS: That is correct.

8 JUDGE PEARSON: And it looks like there's a payment
9 schedule attached as Appendix A. It looks like you made a \$125
10 payment today?

11 MR. VASQUEZ: I'm about to make it, yeah.

12 JUDGE PEARSON: You're going to? Okay.

13 And then the second payment is due April 24, 2015, in
14 the amount of \$125; the third payment on May 26, 2015, for \$125;
15 and the final payment is due on June 24, 2015, for \$125,
16 correct?

17 MR. VASQUEZ: Yes.

18 JUDGE PEARSON: Okay. And you do understand that if
19 you miss a payment that the entire \$4500 becomes immediately due
20 and payable?

21 MR. VASQUEZ: Yes, ma'am.

22 JUDGE PEARSON: Okay. All right. I will sign this
23 order.

24 Do you have any other questions?

25 MR. VASQUEZ: No.

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1 JUDGE PEARSON: Okay. And you understand what your
2 obligations are under the law?

3 MR. VASQUEZ: Yes, ma'am.

4 JUDGE PEARSON: Okay. After you make your payment,
5 you'll be free to go.

6 MR. VASQUEZ: Okay. Thank you.

7 JUDGE PEARSON: Thank you. Thanks.

8 Okay. And the last one is Docket TV-150160,
9 Christopher Yost.

10 Is it Yost or Yost?

11 MR. YOST: Yeah, Yost, like toast.

12 JUDGE PEARSON: Yost. Okay.

13 Did you have a chance to read through the order, and
14 do you understand all of its contents?

15 MR. YOST: Yes, ma'am.

16 JUDGE PEARSON: Okay. And it looks like, Ms. Banks,
17 you're recommending two violations: one for advertising and one
18 for offering a move?

19 MS. BANKS: That is correct.

20 JUDGE PEARSON: And you're also recommending a \$5,000
21 penalty. The entire amount will be suspended for a two-year
22 period from the date of the initial order provided that Mr. Yost
23 refrains from -- permanently from operations as a household
24 goods without a permit?

25 MS. BANKS: That is correct.

0037

1 JUDGE PEARSON: And do you understand legally what
2 you can and can't do?

3 MR. YOST: Yes, ma'am.

4 JUDGE PEARSON: Okay. I will go ahead and sign this
5 and I'll hand it to Ms. Banks and you're free to go.

6 MR. YOST: Thank you.

7 JUDGE PEARSON: Okay. So that concludes the list of
8 the companies that were present in the hearing room today.

9 It is now approximately 1:17. I will one last time
10 call the company that has not appeared and has had no contact
11 with the Commission to make sure that they're not present, and
12 that's Docket TV-150190, Daniel Bradford and Last Minute Movers.

13 Okay. He is not present in the hearing room today.

14 Have you had contact with Mr. Bradford today,
15 Ms. Banks?

16 MS. BANKS: Not today, no.

17 JUDGE PEARSON: Okay. Do you have the default order
18 for me?

19 MS. BANKS: Yes. We would like a default order
20 classifying the respondent as a household goods carrier ordering
21 him to cease and desist and imposing penalties for two
22 violations.

23 JUDGE PEARSON: Okay. So it looks like there was an
24 offer for an intrastate move in Washington and advertising that
25 meets the definition under RCW 81.80.075, engaging in business

0038

1 as a moving company without a household goods permit.

2 And what is your motion at this point with respect to
3 Last Minute Movers and Daniel Bradford?

4 MS. BANKS: We would like a default order classifying
5 the respondent as a household goods carrier; we would like to
6 order the defendant to cease and desist; and we would like to
7 impose the full \$5,000 penalty for the two violations.

8 JUDGE PEARSON: Okay. So nothing would be suspended,
9 correct?

10 MS. BANKS: Correct; no suspension.

11 JUDGE PEARSON: Okay. Let's walk through the
12 evidence you have for the company with respect to the
13 violations, as well as how and when service was accomplished.

14 MS. BANKS: Yes. I received two move offers under an
15 assumed name. The first one was on October 28th in 2014, by
16 e-mail. The second was on January 30, 2015, by a text message.

17 Mr. Bradford was served at his home on February 27,
18 2015, by a legal process server. And as of yesterday, March 23,
19 2015, he still had advertisements on Facebook.com and
20 local.yahoo.com.

21 JUDGE PEARSON: Okay. And there are copies of the
22 advertisements in your declaration as Attachment A; is that
23 correct?

24 MS. BANKS: Correct.

25 JUDGE PEARSON: Okay. And has this company ever

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1 applied for a permit with the Commission?

2 MS. BANKS: No, they have not. And Mr. Bradford has
3 previously been to Mover's Court, or this hearing, back in 2012.

4 JUDGE PEARSON: Okay. Thank you.

5 So I will grant the motion for default for Daniel
6 Branford, doing business as Last Minute Movers, and I will sign
7 the order.

8 Is there any other business that we need to take care
9 of today?

10 MS. BANKS: No, there's not.

11 JUDGE PEARSON: Okay. Thank you.

12 We can be off the record. We're adjourned.

13 (Proceeding adjourned at 1:21 p.m.)

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C E R T I F I C A T E

STATE OF WASHINGTON)) ss
COUNTY OF KING)

I, SHELBY KAY K. FUKUSHIMA, a Certified Shorthand Reporter
and Notary Public in and for the State of Washington, do hereby
certify that the foregoing transcript is true and accurate to
the best of my knowledge, skill and ability.

IN WITNESS WHEREOF, I have hereunto set my hand and seal
this 3rd day of April, 2015.

SHELBY KAY K. FUKUSHIMA, CCR

My commission expires: June 29, 2017