

BEFORE THE WASHINGTON STATE

UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of Determining) Docket No. TV-151654
the Proper Carrier)
Classification of and)
Complaint for Penalties)
against:)
Edward Martin d/b/a Martin)
Movers)

MOVERS COURT, VOLUME I

PAGES 1-49

ADMINISTRATIVE LAW JUDGE RAYNE PEARSON

9:05 a.m.

October 15, 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:

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* * * * *

1 OLYMPIA, WASHINGTON, OCTOBER 15, 2015

2 9:05 A.M.

3
4 P R O C E E D I N G S

5
6 JUDGE PEARSON: Okay. Good morning. My
7 name is Rayne Pearson. I'm an administrative law judge
8 for the Utilities and Transportation Commission, and I
9 am the presiding officer for today's hearing being
10 conducted at the Commission's headquarters in Olympia.

11 Today is Thursday, October 15, 2015, and the
12 time is approximately 9:05 a.m. Today's hearing
13 involves a total of six household goods carriers, so the
14 first thing we'll do is take a roll call to determine
15 who is present.

16 Because there's a court reporter here today,
17 when I call your name, please raise your hand, but also
18 please give a verbal response such as "here" or
19 "present" so that she can indicate that you're here.

20 The first is Docket TV-151654, Edward
21 Martin. Okay. Hearing nothing.

22 Docket TV-151655, Dexter Petrie and/or
23 Dexter Wendler.

24 MR. PETRIE: Present.

25 JUDGE PEARSON: And which one are you?

1 MR. PETRIE: Petrie.

2 JUDGE PEARSON: Okay. So Dexter Petrie is
3 present.

4 Docket TV-151656, Heidi Bergman. Okay.
5 Hearing nothing.

6 Docket TV-151657, Charles Bartlett.

7 MR. BARTLETT: Present.

8 JUDGE PEARSON: Okay. Thank you,
9 Mr. Bartlett.

10 Docket TV-151658, James Mwangi.

11 MR. MWANGI: Present.

12 JUDGE PEARSON: Okay. Thank you,
13 Mr. Mwangi. Am I pronouncing your name correctly?

14 MR. MWANGI: Absolutely.

15 JUDGE PEARSON: Okay.

16 And Docket TV-151680, Daniel Zeufeldt.
17 Okay. Hearing nothing.

18 There are three companies who have not
19 entered an appearance today. Those companies are
20 subject to being held in default and having an order
21 entered against them without a chance to address the
22 Commission, and I will take those cases up later this
23 morning.

24 Ms. Banks, have you had communication with
25 any of the three companies that did not enter an

1 appearance this morning?

2 MS. BANKS: Yes. I heard from -- yes, I
3 heard from --

4 JUDGE PEARSON: Is the red light on?

5 MS. BANKS: Yes.

6 JUDGE PEARSON: There you go.

7 MS. BANKS: Yes. I've heard from
8 Ms. Bergman this morning, and she will be running late
9 because of traffic.

10 JUDGE PEARSON: Okay. Did she indicate an
11 approximate arrival time?

12 MS. BANKS: She said approximately 10:00.

13 JUDGE PEARSON: Okay. Thank you.

14 So you are all here today because the
15 Commission filed a complaint alleging that your
16 companies are performing or advertising to perform work
17 as household goods carriers without the required permit.

18 And the purpose of today's proceeding is to
19 formally explain what your choices are and then hear
20 from each of you regarding which option you wish to
21 pursue. So you can chose from one of two options today
22 on behalf of your company.

23 The first is to cease and desist providing,
24 offering to provide, or advertising to provide
25 unpermitted household goods services.

1 So if you choose this option, you'll need to
2 demonstrate what you've done to shut down your business
3 either completely or partially to avoid further
4 enforcement action by the Commission. So I'm going to
5 want to see some kind of proof that you're no longer
6 performing the services; for example, if you have proof
7 that you've taken down or changed your website or your
8 online advertisements for your business.

9 The second option is to ask for a formal
10 classification hearing to show why you don't believe you
11 need a permit. So if you choose that option, you're
12 contesting the allegations in the complaint and claiming
13 not to be conducting household goods moving services.

14 So for that option, we will schedule a
15 formal hearing for a date in the near future with a
16 deadline two to three weeks from now for both your
17 company and Commission staff to declare all witnesses
18 and file any exhibits.

19 Each of you has a right to be heard by the
20 Commission, so I will call you up individually to do
21 that. And Commission staff also has a right to be
22 heard, and Ms. Megan Banks will be representing the
23 Commission this morning. If you've not already met
24 Ms. Banks, she's seated to the right over here, and
25 she's a Commission Compliance Investigator.

1 So in a few minutes, I'll call each of you
2 forward to make your choice on how you wish to proceed.
3 And at that time, I will swear you in so that anything
4 you say will be under oath and considered sworn
5 testimony.

6 Once you're sworn in, I'll ask you if you
7 understand your options for today's proceeding and then
8 ask you to state what your choice is going to be. And
9 if there's anything else that you want to explain to me,
10 you can do so at that time.

11 So in each of the complaints, Commission
12 staff alleged you're providing household goods moving
13 services without a permit, and they are also seeking to
14 have a penalty imposed. Staff will be making a penalty
15 recommendation as part of any agreed order that you
16 might reach today. Ms. Banks will be explaining that
17 recommendation, but the Commission will be making the
18 final decision about the amount of the penalty that will
19 be imposed.

20 If you choose to testify about how you're
21 getting out of the household goods business, I will
22 allow you to make a statement explaining how you plan to
23 do that, and depending on what proof you can provide,
24 you should be able to reach an agreed order resolving
25 the matter with Ms. Banks, and you can speak to her

1 about that during the recess.

2 And finally, if you choose to contest the
3 allegations in the complaint, like I said, we will
4 schedule another hearing for the Commission to present
5 evidence to prove its case. And if we're going to set a
6 hearing, it would be helpful if you know your schedule
7 for the next month or so when we review our calendars.

8 So after I hear from each of the three of
9 you, we'll take a break for about an hour which will
10 provide Commission staff time to meet with each of you
11 and prepare a final disposition for your cases.

12 For most of you, I believe Ms. Banks will be
13 presenting agreed orders, and an agreed order will
14 essentially say that you agree that you are operating
15 without a permit, that you advertised without a permit,
16 and that you agree to stop operating until you get a
17 permit if you decide to apply for one.

18 Once you're satisfied that you understand
19 all the terms of the order, you and Ms. Banks will both
20 sign it, and it will also most likely include an
21 agreement about the amount of the penalty, which -- to
22 be imposed. But if not, you can make your case about
23 why the penalty should be different than what Staff is
24 recommending.

25 Ms. Banks, do you want to make any general

1 statements on behalf of Commission staff before I call
2 the cases individually?

3 MS. BANKS: Not at this time.

4 JUDGE PEARSON: Okay.

5 Why don't we go ahead and swear you in so
6 that you'll be sworn in for the rest of the proceeding.

7 Please raise your right hand.

8

9 MEGAN BANKS, witness herein, having been
10 first duly sworn on oath,
11 was examined and testified
12 as follows:

13

14 JUDGE PEARSON: Okay. Thank you.

15 So I will begin with the companies who are
16 present in the hearing room today. And after hearing
17 from each of you, I will turn to the companies who have
18 not appeared.

19 And Ms. Banks, when I call those
20 nonappearance cases, you may make a brief summary on the
21 status of each case and present your motion for default
22 at that time.

23 So we'll start with Docket TV-151655 for
24 Budget Family Moving. Mr. Petrie, if you could come
25 forward to the table and I'll swear you in. If you can

1 just remain standing and raise your right hand.

2

3 DEXTER PETRIE, witness herein, having been
4 first duly sworn on oath,
5 was examined and testified
6 as follows:

7

8 JUDGE PEARSON: Okay. Go ahead and take a
9 seat, and if you could pull the microphone towards you
10 and then press the button. And when the red light comes
11 on, that means it's working.

12 MR. PETRIE: Okay.

13 JUDGE PEARSON: Okay. Great.

14 So how do you wish to proceed this morning?

15 MR. PETRIE: The first option. It's already
16 shut down. I mean, I'm the son of the owner, and my dad
17 is -- he couldn't be present right now, but he told me
18 to come anyways because my name's on it.

19 JUDGE PEARSON: So you're representing the
20 company today --

21 MR. PETRIE: Yeah, I guess.

22 JUDGE PEARSON: -- as the owner's son?

23 MR. PETRIE: But it's been closed. We never
24 even started. I got this packet with my name on it.
25 I'm just here to clear my name or whatever you guys want

1 to do, penaltalize [sic] him, that's fine or whatever,
2 but I don't really have an hour to spare neither.

3 JUDGE PEARSON: Okay. Did you bring any
4 documentation with you?

5 MR. PETRIE: I can call a friend that sold
6 the truck and maybe send documentation through -- via
7 text or something. But he did write a letter to the
8 business license in Tacoma and let them know that it is
9 no longer up and running or whatever, so he doesn't get
10 taxed. Because recently he's been incarcerated so he
11 doesn't want to be taxed while he's gone.

12 JUDGE PEARSON: Is he presently
13 incarcerated?

14 MR. PETRIE: Yes.

15 JUDGE PEARSON: Okay. So he couldn't be
16 here today?

17 MR. PETRIE: That's exactly the reason. But
18 he never got it up and running, never did any moves. He
19 bought a truck, figured out all this, sold the truck,
20 and like maybe three weeks later a packet comes to the
21 door with my name on it. I just want to clear my name
22 from it because I was never part of it.

23 JUDGE PEARSON: Okay.

24 MR. PETRIE: I got my own stuff going on.

25 JUDGE PEARSON: So you can speak with

1 Ms. Banks about that during the recess.

2 MR. PETRIE: Yeah. I had called and talked
3 to her, but she said try to be present.

4 JUDGE PEARSON: Yes. It's definitely
5 necessary that you be present today to avoid the
6 default.

7 MR. PETRIE: Yeah. I don't want my name on
8 it. If there's a default, you can send it directly to
9 him, but my name is not -- shouldn't be on this anyways.

10 JUDGE PEARSON: Okay.

11 Ms. Banks, do you have a recommendation
12 regarding the cease and desist order?

13 MS. BANKS: Staff would agree with the cease
14 and desist order.

15 JUDGE PEARSON: Okay. Thank you.

16 All right. Mr. Petrie, you can go ahead and
17 take a seat.

18 MR. PETRIE: Okay.

19 JUDGE PEARSON: Okay.

20 Next is Docket TV-151657, Charles Bartlett.

21 MR. BARTLETT: Do I come --

22 JUDGE PEARSON: Yes, please. And if you
23 could also just stay standing and raise your right hand
24 and I will swear you in.

25 / / /

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

5
6 JUDGE PEARSON: Okay. Thank you,
7 Mr. Bartlett.

8 How do you wish to proceed this morning?

9 MR. BARTLETT: Basically I'm just --

10 JUDGE PEARSON: If you can just take a seat
11 and speak into the microphone. I'm sorry.

12 MR. BARTLETT: Okay. Basically I've done --
13 I took off all my signs and everything and put my truck
14 up for consignment over here at M&M Motors. They're
15 selling it. And besides, the insurance is kind of high,
16 you know.

17 JUDGE PEARSON: So you wish --

18 MR. BARTLETT: I wasn't making no money. I
19 wasn't making the kind of money that I felt I needed to
20 be making anyway, and I thought -- I mean, I had my
21 insurance anyway -- my certificate and my insurance
22 anyway until the 16th of September -- I mean until the
23 29th of September, so -- but I didn't know the whole
24 procedures and all that good stuff for -- for -- you
25 gotta have a permit and you gotta pay for insurance.

1 And it's, like, once -- you know, I think you got --
2 once you pay for the -- pay for the permit, then you
3 gotta pay this high insurance.

4 I mean, I had a 24-footer. To me, \$379 a
5 month for insurance, to be honest with you, to tell the
6 truth, is too high for me. And so, therefore, that was
7 one of the reasons why when you guys did what you all
8 did, set me up and did what you did, I said, end of an
9 era, you know.

10 I gave it a shot, and I was spending more
11 money than I was making, you know. So if I was getting
12 into the business -- if I would get back into the
13 business, I would have to have, like, maybe a 15-footer.
14 Hopefully the insurance would be a little cheaper, you
15 know.

16 But you know, I need a job that I have
17 benefits. I mean, I wasn't getting no benefits. You
18 gotta pay this and pay that, it's a lot of money, to be
19 honest with you. You say tell the truth. So I'm done.

20 JUDGE PEARSON: Okay. And you are the owner
21 of Affordable Haulers & Movers?

22 MR. BARTLETT: Yes, ma'am.

23 JUDGE PEARSON: Okay. So you wish to --

24 MR. BARTLETT: Decline.

25 JUDGE PEARSON: Cease and desist?

1 MR. BARTLETT: I would ask to because it's
2 just too much money, and I'm gonna -- I'm gonna just get
3 a regular job and be a normal individual.

4 JUDGE PEARSON: Okay.

5 MR. BARTLETT: I only got ten years left.
6 I'm in my 50s.

7 JUDGE PEARSON: Okay. Just stay seated for
8 a moment.

9 Ms. Banks, do you wish to make a
10 recommendation regarding the cease and desist order?

11 MS. BANKS: The Staff would agree with a
12 cease and desist order.

13 JUDGE PEARSON: Okay. Great. Thank you.
14 Mr. Bartlett, you can go ahead and take a
15 seat.

16 MR. BARTLETT: Thank you.

17 JUDGE PEARSON: Okay.

18 Docket TV-151658, James Mwangi.

19 All right. Mr. Mwangi, if you could raise
20 your right hand.

21

22 JAMES MWANGI, witness herein, having been
23 first duly sworn on oath,
24 was examined and testified
25 as follows:

1 JUDGE PEARSON: Okay. Thank you. You can
2 go ahead and have a seat.

3 All right. And just to clarify, you are the
4 owner of Safe to Go Movers; is that correct?

5 MR. MWANGI: I am.

6 JUDGE PEARSON: Okay. And how do you want
7 to proceed this morning?

8 MR. MWANGI: Your Honor, I would like to go
9 with the first option.

10 JUDGE PEARSON: Okay. You want to do the
11 cease and desist?

12 MR. MWANGI: Um-hmm.

13 JUDGE PEARSON: Okay.

14 MR. MWANGI: However, I would like to
15 mention, I have called Ms. Banks a few times regarding
16 this option that I chose, and I've been working
17 diligently toward the attainment of licensing.

18 Now, as luck would have it, I just a
19 couple -- last week the license came. And I actually
20 called Ms. Banks a couple days ago, I left her an
21 e-mail -- I mean I left a voicemail, and we do have the
22 license now.

23 And from the time I got the packet summoning
24 me to come here to the Court, I have desisted from
25 posting, from -- and also I brought down the website.

1 And I do have all the documentation to prove that that
2 has been -- the website has been brought down, and I've
3 desisted from posting on Craigslist.

4 JUDGE PEARSON: Okay. Great. The
5 Commission's goal is always compliance, so I'm happy to
6 hear that you've applied for a permit, and signing the
7 cease and desist order won't affect the status of your
8 permit application. It's just saying that, in the event
9 that you don't have a permit, you will not operate until
10 your permit is back in active status.

11 MR. MWANGI: Okay.

12 JUDGE PEARSON: Okay?

13 MR. MWANGI: Okay. So it's now back and
14 active, so -- the temporary one. But I mean, I wanted
15 to wait until I appeared in court today before I can
16 assume the procedure of posting and advertising.

17 JUDGE PEARSON: Okay. Great.

18 And Ms. Banks, do you have a recommendation
19 with regard to the cease and desist order?

20 MS. BANKS: Staff would agree with the cease
21 and desist until the permit was received.

22 JUDGE PEARSON: Okay. Thank you.

23 All right. Mr. Mwangi, you may step down.

24 Thank you.

25 MR. MWANGI: Thank you.

1 JUDGE PEARSON: And can you please identify
2 yourself?

3 MR. MARTIN: Edward Martin.

4 JUDGE PEARSON: So you're Edward Martin.
5 Okay. Great.

6 So that is Docket TV-151654 for Martin
7 Movers. If you could please come forward to the front,
8 I'll swear you in and then I will brief you on what's
9 happening this morning.

10 MR. MARTIN: Up here?

11 JUDGE PEARSON: You can come to this seat
12 right here. Why don't you just go ahead and raise your
13 right hand.

14
15 EDWARD MARTIN, witness herein, having been
16 first duly sworn on oath,
17 was examined and testified
18 as follows:

19
20 JUDGE PEARSON: Okay. Thank you. You can
21 have a seat.

22 MR. MARTIN: All right.

23 JUDGE PEARSON: I'm sorry. Up here at the
24 table, you can have a seat.

25 So Mr. Martin, you are the owner of Martin

1 Movers; is that correct?

2 MR. MARTIN: Yes.

3 JUDGE PEARSON: Okay. So you're here today
4 because the Commission filed a complaint against you
5 alleging that you are providing, offering to provide or
6 advertising for unpermitted household goods moving
7 services.

8 And what we're doing here today is asking
9 each of you and your companies to make a decision about
10 whether you agree to cease and desist from operating
11 without a permit, which doesn't mean that you can't get
12 a permit, it just means that you're agreeing that you
13 will not operate until such time that the Commission
14 grants you a permit.

15 Have you had an opportunity to speak with
16 Ms. Banks in advance of today's hearing?

17 MR. MARTIN: Yes.

18 JUDGE PEARSON: Okay. So the other option
19 that would be available to you is if you wanted a
20 classification hearing to contest the allegations
21 against you, where you would be arguing that you're not
22 providing household goods moves, and Staff would have an
23 opportunity to prove that, in fact, that is what you're
24 doing.

25 So do you know which option you want to go

1 with today?

2 MR. MARTIN: Well, I can cease until I get
3 the permit.

4 JUDGE PEARSON: Okay. So you want to do the
5 cease and desist then?

6 MR. MARTIN: Yeah.

7 JUDGE PEARSON: Okay.

8 So there's also going to be -- Staff has
9 recommended a \$5,000 penalty against each company, but
10 when we take a recess, you'll have the opportunity to
11 meet with Staff and discuss the possibility of modifying
12 that penalty amount, most likely with a portion of it
13 suspended for two years.

14 MR. MARTIN: A portion? Well, this is my
15 only issue. I never got a notice or e-mail, any
16 information that I was out of compliance.

17 JUDGE PEARSON: Okay.

18 MR. MARTIN: So I never received the notice,
19 so -- all I received was this right here.

20 JUDGE PEARSON: Okay. Well, you'll have an
21 opportunity to discuss that with Ms. Banks at the
22 break --

23 MR. MARTIN: Okay.

24 JUDGE PEARSON: -- in determining what her
25 penalty recommendation will be.

1 MR. MARTIN: Okay. So by me saying cease
2 and desist, that puts me in a position to where I have
3 to receive a penalty; is that what that is?

4 JUDGE PEARSON: Regardless of what position
5 you took, the Commission would most likely assess a
6 penalty today unless you asked for a classification
7 hearing and claim not to be providing household goods
8 moving services, in which case you would have to prove
9 that you weren't providing household goods moving
10 services.

11 But these complaints were brought forward,
12 and the Commission has already found probable cause.
13 And you've seen Ms. Banks' declarations that include
14 offers that she received and proof of advertisements.
15 So it would be difficult for anyone who was brought here
16 today to prove that they were not, in fact, offering
17 household goods moves unless it was some case of
18 mistaken identity or identity theft.

19 MR. MARTIN: Well, I was providing help with
20 unload and load. That's what I was providing.

21 JUDGE PEARSON: Okay. Well, you can discuss
22 that with Ms. Banks at the break and discuss what
23 evidence that she's brought against you. She's the best
24 person for you to discuss what the penalty
25 recommendation should be at this point in time.

1 MR. MARTIN: Okay. So if I go the other
2 route, am I saying that I want to go to court hearing or
3 trial or something?

4 JUDGE PEARSON: You'd have another hearing
5 here where you would be contesting that you ever offered
6 to provide a household goods move or offered to a
7 provide a truck in connection with a household goods
8 move, and contesting that any of the documentation that
9 has been put forth by Staff is real, basically. You'd
10 have to prove that it's -- that it's not true.

11 MR. MARTIN: Okay. Well, like I said, the
12 issue I have is I didn't know I was out of compliance.
13 That's my -- I mean, I never got an e-mail, a notice,
14 hey, you're out of compliance, you can't do this no
15 more. I never got a notice like that.

16 So I'm just wondering, how can I get
17 punished for something that I never even got an e-mail
18 or a text or anything saying, hey, you're out of
19 compliance, not even a phone call.

20 JUDGE PEARSON: So the Commission does send
21 compliance letters as a courtesy to people who --

22 MR. MARTIN: Right, I never got none of --

23 JUDGE PEARSON: -- are conducting moves
24 illegally; however, it is your responsibility to know
25 the laws of Washington state if you're going to open

1 your own business, and to do your due diligence to
2 determine what types of licenses that you would need to
3 have to perform household goods moving services.

4 So the Commission's not under any obligation
5 to contact you. The burden is on you to figure out
6 which licenses and permits you need to conduct your
7 business. But that's certainly something you can
8 address with Ms. Banks at the break.

9 MR. MARTIN: Okay. Well, if I change my
10 mind, can I do that here, or do I have to --

11 JUDGE PEARSON: You can change your mind
12 after talking with Ms. Banks, yes.

13 MR. MARTIN: Okay.

14 JUDGE PEARSON: You're free to do that.

15 Ms. Banks, do you have a recommendation with
16 respect to the cease and desist?

17 MS. BANKS: Staff would agree with a cease
18 and desist.

19 JUDGE PEARSON: Okay. Great. Thank you.

20 All right. You may have a seat.

21 Okay. So we're still waiting for
22 Ms. Bergman. I think at this point, it's about 9:25
23 a.m., we can take a recess and you can begin your
24 discussions with the movers who are present here today.

25 And when Ms. Bergman -- or when Ms. Bergman

1 arrives, if that is prior to the time when you have
2 completed your conversations with these gentlemen, you
3 can give me a call and I can come back into the hearing
4 room and brief her on what her choices are and then we
5 can proceed.

6 So at this point, like I said, we'll take a
7 recess. You'll have a chance to review the cease and
8 desist orders and the language with Staff, and there'll
9 be some negotiation about the penalty. Typically, a
10 portion of the penalty is suspended, which is meant to
11 deter you from future illegal operations.

12 So you would pay a portion today, and the
13 remaining portion of the \$5,000 penalty would not become
14 due and payable unless you violated the order at some
15 point in the next two years.

16 So hopefully, within the next hour to hour
17 and a half, we'll have all your orders prepared and
18 we'll then call each of you back up, make sure that you
19 understand the order, and I will sign it on the record
20 today, and you will leave here with a copy of it.

21 Ms. Banks, is there anything else before we
22 take a break?

23 MS. BANKS: No, not at this time.

24 JUDGE PEARSON: Okay.

25 Then at approximately 9:26 a.m., we are at

1 recess. And I will be in my office, so please just come
2 get me or give me a call when I need to come back.

3 (A break was taken from
4 9:26 a.m. to 11:04 a.m.)

5 JUDGE PEARSON: Okay. Good morning. We are
6 back on the record at approximately 11:04 a.m. following
7 a recess.

8 Ms. Banks, do you have any updates for me
9 since we took the recess this morning on any of the
10 carriers? Did you hear from Ms. Bergman?

11 MS. BANKS: I heard from Ms. Bergman at
12 about 10:30, and she was supposedly about ten minutes
13 away, so I don't know any more than that.

14 JUDGE PEARSON: Okay. So as of now, Heidi
15 Bergman of Alice the Mover in Docket TV-151656 is still
16 not present and has not entered an appearance today, so
17 we will go ahead and proceed.

18 Once we take up with each of the companies
19 here, if she's still not present at that point in time,
20 you may approach me with a motion for default at that
21 time. Okay.

22 And is there any particular order in which
23 you'd like me to call the companies?

24 MS. BANKS: Yes. Could you please call
25 Mr. Martin of Martin Movers, TV-151654, first?

1 JUDGE PEARSON: Okay. And then who after
2 that?

3 MS. BANKS: And then if we could call
4 Mr. Bartlett, TV-151657.

5 JUDGE PEARSON: Okay.

6 MS. BANKS: Mr. Petrie, 151655; and
7 Mr. Mwangi, TV-151658.

8 JUDGE PEARSON: Okay. Great.

9 All right. Mr. Martin, if you'd please come
10 to the table. Okay. Thank you.

11 I'll just remind you that you're still under
12 oath from earlier this morning.

13 Is the microphone on?

14 MR. MARTIN: Yeah.

15 JUDGE PEARSON: Okay.

16 And Ms. Banks, what is the disposition with
17 respect to Mr. Martin?

18 MS. BANKS: We were unable to come to an
19 agreement with Mr. Martin. Staff would recommend the
20 \$5,000 penalty with \$4,500 suspended and \$500 due
21 immediately.

22 JUDGE PEARSON: Okay.

23 And Mr. Martin, what's your response to
24 Staff's recommendation?

25 MR. MARTIN: See, I just made a phone call,

1 so my answer would be the 500, fine. The pay
2 immediately, not fine, because I don't have it to pay
3 right now today.

4 JUDGE PEARSON: Okay.

5 So you'd like to make payment arrangements?

6 MR. MARTIN: Yep.

7 JUDGE PEARSON: Okay.

8 When -- when would you be able to make a
9 payment?

10 MR. MARTIN: That right there, I really have
11 to go home and assess with my other half.

12 JUDGE PEARSON: Okay. Is there any amount
13 that you could pay today?

14 MR. MARTIN: No, there's nothing I could pay
15 today.

16 JUDGE PEARSON: Ms. Banks?

17 MS. BANKS: Staff would prefer some payment
18 today, but Staff would be willing to accept a payment
19 arrangement.

20 JUDGE PEARSON: Okay. Thank you. So --

21 MR. MARTIN: Well, I work. I got a job. So
22 my income doesn't have me where I can give anything
23 today. I have bills just like everybody else. And
24 today I wasn't expecting to pay a \$500 bill or give \$10,
25 \$5 or anything.

1 JUDGE PEARSON: I understand that. My
2 preference is that we enter an agreed order today as
3 opposed to me entering an order following this hearing,
4 in which case I would likely accept Staff's
5 recommendation of imposing the \$500 penalty due and
6 payable immediately.

7 So if you are able to make any sort of
8 payment today and you want a second opportunity to talk
9 to Ms. Banks about that, I will give you that
10 opportunity.

11 MR. MARTIN: Okay. But like I said, I have
12 no money to give today.

13 JUDGE PEARSON: Okay. If you're absolutely
14 unable to make a payment today, then I will go ahead and
15 issue an order following this hearing, which we will
16 serve to you.

17 And I will tell you right now that I'm going
18 to accept Staff's recommendation of imposing the \$500
19 penalty and suspending a \$4,500 portion of that for a
20 period of two years.

21 That order will also tell you that you have
22 to cease and desist providing any household goods moving
23 services or advertising or offering to provide those
24 services unless and until you obtain a permit from the
25 Commission.

1 MR. MARTIN: Okay.

2 JUDGE PEARSON: Okay?

3 MR. MARTIN: So when you say suspended for
4 two years, you mean -- you're saying after the two years
5 I have to pay 45, or is it just over, just pay the 5?

6 JUDGE PEARSON: Correct. As long as you no
7 longer advertise or offer to perform moves, you will
8 never have to pay that \$4,500. It will only be imposed
9 upon you if you continue the illegal moving service.

10 MR. MARTIN: That's beautiful.

11 JUDGE PEARSON: Okay?

12 MR. MARTIN: Yep.

13 JUDGE PEARSON: All right. Anything
14 further?

15 MR. MARTIN: Not from me.

16 JUDGE PEARSON: Okay. So I will issue an
17 order, which you will receive a copy of that. We'll
18 have that served to you.

19 MR. MARTIN: Do I have to wait for it or can
20 I leave?

21 JUDGE PEARSON: Well, if you had been
22 willing to make a payment today, I would have signed the
23 order today and we could have sent you off with it. But
24 because you're unwilling to make a payment today, the
25 \$500 will be immediately due and payable as soon as I

1 issue the order.

2 MR. MARTIN: Well, I got \$3.

3 JUDGE PEARSON: That's --

4 MR. MARTIN: I got \$3 I was going to use
5 for --

6 JUDGE PEARSON: That's not sufficient.

7 MR. MARTIN: Okay.

8 JUDGE PEARSON: We would need probably at
9 least a hundred dollar payment today in order to work
10 out a payment arrangement.

11 MR. MARTIN: Sorry, Judge.

12 JUDGE PEARSON: Okay. So I will issue an
13 order reflecting my decision within the next few days.

14 MR. MARTIN: Okay. Do I have to sit in this
15 courtroom and wait or --

16 JUDGE PEARSON: You are free to go.

17 MR. MARTIN: Thank you.

18 JUDGE PEARSON: Next I'll call Docket
19 TV-151657, Mr. Bartlett, if you could come up to the
20 front and have a seat.

21 Okay. And Ms. Banks, what was the
22 disposition of Mr. Bartlett's case?

23 MS. BANKS: We also were not able to come to
24 an agreement with Mr. Bartlett.

25 Staff would recommend in this case a \$5,000

1 penalty with \$4,000 suspended and \$1,000 due.

2 The reason for the increased penalty is
3 because Mr. Bartlett has had a permit from 2012 through
4 2014. He lost it briefly for insurance. He received it
5 again in two thousand -- October 2014, and then he
6 requested that his permit be cancelled and he -- it was
7 cancelled for insurance in March 2015.

8 Because Mr. Bartlett is aware of the rules
9 and has been in compliance with the rules previously and
10 has chosen since March 2015 to be out of compliance,
11 Staff recommends a higher penalty of \$1,000 be imposed.

12 JUDGE PEARSON: All right.

13 And Mr. Bartlett, what's your response to
14 Staff's recommendation?

15 MR. BARTLETT: I mean, that means the price
16 is, I guess -- I mean, whatever, the situation what she
17 said, I mean, I guess that's the way she -- you know,
18 she looked at it.

19 But for me, like I said, I don't have a job,
20 and I don't have no way of paying it. I mean, where I'm
21 at, I'm basically -- I'm basically homeless is what I
22 tried to tell her. I'm in a situation where it's, like,
23 housing, and I'm just trying to get a job and do the
24 right thing because, hey, I can't afford it. I don't
25 have anything, ma'am. To be honest with you, I'm

1 basically homeless.

2 JUDGE PEARSON: Okay. I understand that.

3 MR. BARTLETT: I don't have it.

4 JUDGE PEARSON: Like I said --

5 MR. BARTLETT: I don't have anything.

6 JUDGE PEARSON: Like I said to Mr. Martin --

7 you need to be quiet while I'm talking.

8 Like I said to Mr. Martin, if you were able
9 to make a payment today, then we would be able to set up
10 a payment arrangement with you. But if you're not, then
11 I'm going to go ahead and accept Staff's recommendation
12 and impose \$1,000 of a penalty and suspend the other
13 \$4,000 for a two-year period contingent on you
14 refraining from providing or advertising to provide
15 household goods moving services.

16 MR. BARTLETT: Can I say something?

17 JUDGE PEARSON: Sure.

18 MR. BARTLETT: Would I be able to work out
19 getting the -- getting the permit within 30 days and --
20 because it will be a better deal than -- and then it
21 would be a better deal than the \$1,000 of the payment.

22 JUDGE PEARSON: That is not an offer that
23 was on the table today. We only offer two choices at
24 these proceedings, which is either agree to the cease
25 and desist and to pay a portion of the penalty, or to

1 ask for a formal classification hearing.

2 So -- so no, I can't issue an order with a
3 30-day condition on it like that.

4 MR. BARTLETT: Or --

5 JUDGE PEARSON: Are you able to make any
6 payment today whatsoever?

7 MR. BARTLETT: I'm not working, and that
8 means I don't have any --

9 JUDGE PEARSON: Okay. I understand that.
10 So if you're not able to make a payment today, then I
11 will go ahead and issue an order.

12 MR. BARTLETT: Well, can I ask you a
13 question then? Would I still be able to get the permit?

14 JUDGE PEARSON: You are not -- you're not
15 banned from getting a permit; however, you will have to
16 pay the \$1,000 penalty before you're able to apply for a
17 permit. And the permit costs \$550, as you know. So if
18 you have the money --

19 MR. BARTLETT: Well, that's cheaper than the
20 thousand dollars, though.

21 JUDGE PEARSON: But you could make a payment
22 towards the \$1,000 penalty if you have the money for a
23 permit.

24 MR. BARTLETT: I didn't say I had the money
25 for the permit. I said I would be able to get it within

1 the 30 days.

2 JUDGE PEARSON: Okay. Well, you had an
3 opportunity to negotiate a payment arrangement with
4 Ms. Banks, and it sounds like you were unwilling or
5 unable to do that. So at this point --

6 MR. BARTLETT: Well, this is what I was
7 willing to do, what I'm just talking about right as we
8 speak right now.

9 JUDGE PEARSON: That was not an option that
10 was presented to you, however. So your options were to
11 accept the \$1,000 penalty and make some sort of payment
12 arrangement with Ms. Banks, which it sounds like you
13 declined to do --

14 MR. BARTLETT: How can you make payment
15 arrangements when you don't have anything, ma'am?
16 That's all I'm trying to say.

17 JUDGE PEARSON: I understand, but it sounds
18 like there was not an attempt to make a payment
19 arrangement at all, and that you were unwilling to reach
20 an agreement with Ms. Banks.

21 Is my understanding of that correct?

22 MS. BANKS: That is correct.

23 JUDGE PEARSON: Okay. Were there any
24 discussions of a payment arrangement?

25 MS. BANKS: We offered a payment

1 arrangement, but we did ask for some payment today, yes.

2 JUDGE PEARSON: And unfortunately, the
3 Commission cannot and does not extend payment
4 arrangements unless you can make a good faith payment
5 today. We don't make exceptions for that.

6 So if there's nothing further, I will issue
7 an order shortly following this hearing reflecting my
8 decision to go with Staff's recommendation and impose
9 the \$1,000 penalty, suspending a \$4,000 portion for a
10 period of two years, which means that you must refrain,
11 cease and desist from all household goods moving
12 services, advertising or offering to provide those
13 services, or you risk the imposition of the additional
14 \$4,000 penalty.

15 MR. BARTLETT: Oh, wow. I don't understand.
16 I can't make the deal of getting a permit?

17 JUDGE PEARSON: You cannot make that deal,
18 which I already explained to you.

19 MR. BARTLETT: So I'm suspended for two
20 years?

21 JUDGE PEARSON: No. The penalty, the \$4,000
22 penalty is suspended for two years. You are welcome to
23 apply for a permit; however, you will need to pay the
24 \$1,000 penalty.

25 MR. BARTLETT: And then pay a permit?

1 JUDGE PEARSON: Yeah, and then pay the
2 permit fee, that's right.

3 MR. BARTLETT: You're talking about getting
4 really set back, ma'am.

5 JUDGE PEARSON: Mr. Bartlett, you are well
6 aware of Commission rules and requirements. You've been
7 to household goods training at least two times in the
8 past, you've been a permit holder in the past, so this
9 is not new information to you.

10 You voluntarily cancelled your permit in
11 March and then continued to provide household goods
12 moves without a permit.

13 MR. BARTLETT: I had insurance, ma'am. I
14 had a certificate of insurance.

15 JUDGE PEARSON: It doesn't matter. If you
16 don't have an active permit, then you're providing those
17 services --

18 MR. BARTLETT: I didn't know the full -- I
19 didn't know the full details of it, ma'am.

20 JUDGE PEARSON: You should have known the
21 full details --

22 MR. BARTLETT: I should have known.

23 JUDGE PEARSON: -- because this is covered
24 in detail at the household goods training, which you
25 attended twice, so you have been well-advised.

1 MR. BARTLETT: Wow. And if I don't pay the
2 thousand dollars, then I'm homeless, basically. What do
3 I do, go to jail or what?

4 JUDGE PEARSON: Sir, this is an
5 administrative penalty. We don't have any police
6 powers, so no, you will not go to jail over anything
7 that happens here at the Commission.

8 MR. BARTLETT: Well, I'm trying to -- hey --

9 JUDGE PEARSON: I think we've reached the
10 conclusion at this point.

11 MR. BARTLETT: Can we go back and talk about
12 this again?

13 JUDGE PEARSON: You cannot go back and talk
14 about this again. You had your opportunity, so I'd like
15 you to step down now, and I'm going to call the next
16 docket.

17 MR. BARTLETT: All right.

18 JUDGE PEARSON: Okay.

19 Docket TV-151655, Dexter Petrie. You can
20 just go ahead and take a seat.

21 MR. PETRIE: Okay.

22 JUDGE PEARSON: And Ms. Banks, what was the
23 disposition of this case?

24 MS. BANKS: Mr. Petrie states that he is not
25 a part of this company and that it is his father's

1 company, so he would like a separate hearing,
2 classification hearing.

3 JUDGE PEARSON: Okay.

4 So do you have your calendar available so we
5 could schedule that now?

6 MR. PETRIE: That's fine.

7 JUDGE PEARSON: Okay. So I can tell you my
8 availability. I'm available the morning of
9 November 10th, morning or afternoon on the 12th,
10 afternoon only on November 16th, or any time on
11 November 17th.

12 Ms. Banks, do you have a preference?

13 MS. BANKS: Staff would be available on any
14 of those dates.

15 JUDGE PEARSON: Okay. So it sounds --

16 MR. PETRIE: Morning is fine.

17 JUDGE PEARSON: Okay. Which of those dates
18 works for you?

19 MR. PETRIE: The 10th.

20 JUDGE PEARSON: The 10th? Okay. So why
21 don't we go ahead and schedule that hearing for 9:30.

22 Does that work for you?

23 MR. PETRIE: That's fine.

24 JUDGE PEARSON: 9:30 a.m. on November 10th.

25 We will issue an order, a prehearing conference order

1 reflecting the date and time set for the hearing, and
2 explaining what kind of documents you'll need to gather
3 and how to file those with the Commission in advance of
4 the hearing.

5 MR. PETRIE: Okay.

6 JUDGE PEARSON: Okay? All right.

7 Thank you very much. You're free to go.

8 MR. PETRIE: Thank you.

9 JUDGE PEARSON: Okay.

10 Docket TV-151658, James Mwangi. Good
11 morning, Mr. Mwangi.

12 MR. MWANGI: Good morning, your Honor.

13 JUDGE PEARSON: And Ms. Banks, were you able
14 to reach a disposition with Mr. Mwangi?

15 MS. BANKS: Yes, we did reach an agreement.

16 Staff is recommending and Mr. Mwangi has
17 agreed to a \$5,000 penalty with \$4,500 suspended, and
18 \$500 that he has already paid, I believe.

19 JUDGE PEARSON: Okay.

20 So Mr. Mwangi, did you have a chance to
21 review the order?

22 MR. MWANGI: I did.

23 JUDGE PEARSON: Okay. Great.

24 And you understand everything that's in it?

25 MR. MWANGI: Perfectly.

1 JUDGE PEARSON: Okay.

2 MS. BANKS: May I please approach the bench
3 with the order?

4 JUDGE PEARSON: Yes, absolutely.

5 MS. BANKS: Thank you.

6 JUDGE PEARSON: All right. So just for the
7 record, Ms. Banks, it looks like you recommended two
8 violations, one for operating a move, one for
9 advertising, and a \$4,500 portion of the penalty will be
10 suspended, and the company will pay the \$500 penalty; is
11 that correct?

12 MS. BANKS: That is correct.

13 JUDGE PEARSON: And did you receive any
14 payment for that today or is there a payment
15 arrangement?

16 MS. BANKS: I believe there was a payment
17 made today.

18 JUDGE PEARSON: Okay. You've paid the \$500
19 today?

20 MR. MWANGI: Yes, your Honor.

21 JUDGE PEARSON: Okay. And you've already
22 received your permit; is that correct?

23 MR. MWANGI: I have, yes.

24 JUDGE PEARSON: Okay. So just to reiterate,
25 in the event that you lose that permit in the next two

1 years, the \$4,500 suspended penalty will still be
2 hanging out there. So if you lose your permit but
3 continue to operate, then Staff will seek to have that
4 \$4,500 penalty imposed.

5 Okay?

6 MR. MWANGI: All right.

7 JUDGE PEARSON: All right. So do you have
8 any additional questions about this order before I sign
9 it?

10 MR. MWANGI: No, your Honor.

11 JUDGE PEARSON: Okay. So I will go ahead
12 and sign it and pass that back to Ms. Banks, and I
13 believe you will leave here with a copy of this today.

14 MR. MWANGI: Okay.

15 JUDGE PEARSON: So it's official at this
16 point. And if you want to follow Mr. Tinnerstet, he
17 will get you a copy of that order and you will be free
18 to go.

19 MR. MWANGI: All right.

20 JUDGE PEARSON: Okay. Thank you so much.
21 Ms. Banks, anything further?

22 MS. BANKS: I believe Ms. Bergman is now
23 here.

24 JUDGE PEARSON: Okay. So this is Docket
25 TV-151656 for Heidi Bergman, Alice the Mover.

1 Are you Heidi Bergman?

2 MS. BERGMAN: Yes, I am.

3 JUDGE PEARSON: Okay. If you could please
4 stand and raise your right hand, I'll swear you in.

5

6 HEIDI BERGMAN, witness herein, having been
7 first duly sworn on oath,
8 was examined and testified
9 as follows:

10

11 JUDGE PEARSON: Okay. Go ahead and be
12 seated.

13 So just briefly, I want to go over what I
14 went over with all of the other companies that were here
15 this morning.

16 My name's Rayne Pearson. I'm an
17 administrative law judge for the Utilities and
18 Transportation Commission.

19 And you were -- you were called here today
20 because the Commission filed a complaint alleging that
21 your company performed or advertised to perform work as
22 a household goods carrier without the required permit.

23 And you understand that, I'm sure.

24 MS. BERGMAN: I do.

25 JUDGE PEARSON: So the purpose of the

1 proceeding today was for you to explain -- or for me to
2 explain to you what your choices are, and then you to
3 indicate which option you wish to pursue.

4 Did you have a chance to speak with
5 Ms. Banks in advance of the hearing to understand what
6 your options are?

7 MS. BERGMAN: No, I hadn't.

8 JUDGE PEARSON: Okay. So the first option
9 is to agree to cease and desist providing, offering to
10 provide or advertising to provide any household goods
11 moving services unless and until you get your permit
12 back.

13 So if you choose this option, you'll need to
14 demonstrate what you've done to shut down your business
15 either completely or partially to avoid further
16 enforcement action by the Commission.

17 The other thing you can do is ask for a
18 formal classification hearing if your contention is that
19 you are not providing household goods moving services
20 and that the allegations in the complaint were
21 incorrect.

22 So do you know which option you would like
23 to choose today?

24 MS. BERGMAN: Yes. I want to proceed
25 with -- we have been actively moving, so we have been --

1 actually, I was unaware that we did not have a permit.

2 JUDGE PEARSON: So you weren't aware that
3 you'd been cancelled for lack of insurance -- did you
4 know that your insurance had lapsed?

5 MS. BERGMAN: It was a combination of things
6 that happened.

7 JUDGE PEARSON: Okay.

8 MS. BERGMAN: I have -- I remember calling
9 on -- I knew that our insurance was, like, on the 24th,
10 we got coverage on that day. But I know that by the
11 time it got here, it was a few days later. And so my
12 understanding was that if it didn't get here on the 24th
13 that you guys couldn't really verify the actual date, so
14 they counted it as being late.

15 So I filled out an application and sent it
16 in with a certain amount, and I remember getting a call
17 from Gina that I didn't fill out the proper amount
18 because I applied for a partial, not a full, and so I
19 didn't know I needed to apply for full.

20 And so at that point, that's what I
21 remember, and then everything kind of changed for me,
22 so -- my daughter was murdered and --

23 JUDGE PEARSON: I'm sorry to hear that.

24 MS. BERGMAN: -- my family tried to take
25 over the company to help me through this, and no one

1 knew there was no permit. So we actively did all we
2 could to help the community, and we didn't know there
3 was no permit.

4 JUDGE PEARSON: Okay. So at this point I
5 think we should take a brief recess so that you can meet
6 with Ms. Banks and hopefully come to an agreement and
7 sign an agreed order here today.

8 MS. BERGMAN: Okay.

9 JUDGE PEARSON: Okay?
10 So I would anticipate you might need
11 15 minutes. Does that sound about right?

12 MS. BANKS: Yeah.

13 JUDGE PEARSON: Okay. Why don't you just
14 give me a call in my office, and then we can resume.

15 So we'll be off the record at recess.

16 (A break was taken from
17 11:24 a.m. to 11:58 a.m.)

18 JUDGE PEARSON: All right.

19 We will back on the record a little before
20 12:00 p.m. following a brief recess.

21 Ms. Banks, were you and Ms. Bergman able to
22 reach an agreement?

23 MS. BANKS: We were. May I please approach
24 the bench?

25 JUDGE PEARSON: Yes. Okay.

1 So did you have a chance to read the order?

2 MS. BERGMAN: Yes, I did.

3 JUDGE PEARSON: Okay. So just for the
4 record, it looks like you have recommended, Ms. Banks,
5 two violations in this case, one for offering a move,
6 one for advertising.

7 MS. BANKS: That is correct.

8 JUDGE PEARSON: Okay. And you recommend
9 suspending the entirety of the \$5,000 penalty for a
10 two-year period subject to the conditions that
11 Ms. Bergman submits a complete application by close of
12 business on October 23rd, 2015, and that the company
13 refrains from further operations as a household goods
14 carrier without first obtaining the required permit from
15 the Commission.

16 MS. BANKS: That is correct.

17 JUDGE PEARSON: Okay. So the suspension
18 period will be two years from today's date, which is
19 October 15th, 2017.

20 And do you have any additional questions
21 about the order?

22 MS. BERGMAN: No, thank you.

23 JUDGE PEARSON: Okay. So I'm going to go
24 ahead and sign this. I think that this is an
25 appropriate outcome given the circumstances. And I'm

1 very sorry about your loss, Ms. Bergman. Thank you for
2 appearing here today.

3 MS. BERGMAN: Thank you.

4 JUDGE PEARSON: So I will sign this order
5 and hand it back to you, Ms. Banks.

6 So we will get you a copy of this, which you
7 can take home with you. And then after you get your
8 copy, you are free to go today. So you can go ahead and
9 follow Mr. Tinnerstet there.

10 MS. BERGMAN: Thank you very much.

11 JUDGE PEARSON: Thank you.

12 Okay. Ms. Banks, do you have any additional
13 information about Docket TV-151680, Daniel Zeufeldt?

14 MS. BANKS: Yes. Staff has received
15 information and has confirmed this information that
16 Mr. Zeufeldt has had a medical emergency.

17 At this point, Staff would like to recommend
18 a motion to dismiss his complaint.

19 JUDGE PEARSON: Okay. So I will grant that
20 motion to dismiss the complaint. I will dismiss it
21 without prejudice, however, so that in the event that
22 you want to bring this complaint again at the next group
23 classification proceeding, you will be free to do that.

24 So I will just issue a notice indicating
25 that Docket TV-151680 has been dismissed without

1 prejudice.

2 MS. BANKS: Thank you, Judge Pearson.

3 JUDGE PEARSON: Okay. Anything further
4 today?

5 MS. BANKS: No, thank you.

6 JUDGE PEARSON: All right. Then we will be
7 off the record. Thank you.

8 (Proceeding adjourned at
9 12:01 p.m.)

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STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

I, ANITA W. SELF, a Certified Shorthand Reporter
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 28th day of October, 2015.

ANITA W. SELF, RPR, CCR #3032