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BEFORE THE WASHINGTON STATE

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UTILITIES AND TRANSPORTATION COMMISSION

3

4 In the Matter of Determining the Proper) DOCKET TV-143269
5 Carrier Classification of, and Complaint)
6 for Penalties against:)
7 TRAVIS MOLEND A d/b/a MAJOR MOVERS LLC)

7

MOVERS COURT, VOLUME I

8

Pages 1 - 56

9

ADMINISTRATIVE LAW JUDGE RAYNE PEARSON

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9:35 A.M.

13

NOVEMBER 4, 2014

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15

16 Washington Utilities and Transportation Commission
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18

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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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* * * * *

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OLYMPIA, WASHINGTON, NOVEMBER 4, 2014

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9:35 A.M.

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P R O C E E D I N G S

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JUDGE PEARSON: Good morning. My name is Rayne Pearson. I'm an administrative law judge with the Washington Utilities and Transportation Commission. I'm the presiding officer for today's hearing being conducted at the Commission's headquarters in Olympia. Today is Tuesday, November 4, 2014, and it is now approximately 9:35 a.m.

Today's hearing involves a total of nine household goods carriers. Our first order of business will be to take roll call and determine which companies are present and identify the name and position of the individual responding to the complaint and subpoena.

As you can see, there's a court reporter creating a record of today's proceedings, so in addition to raising your hand to identify yourself, please also give a verbal response like "present" or "here." And at some point later this morning, you'll be sitting in the front of the room at one of these microphones, and I'll explain how those work later.

So let's start with the first docket, it's TV-143184, Christian Brothers and Daniel Picon.

Okay. He does not appear to be present today.

Docket TV-143185, Campus Bellhops.

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1 MS. VANDER STOEP: Here, Your Honor.

2 JUDGE PEARSON: Okay. And when I call your case
3 forward, I'll have you make a formal appearance at that time.

4 Docket TV-143268, Bob the Mover, Robert Rindfuss.

5 Okay. He does not appear to be here today.

6 Docket TV-143269, Major Movers, Travis Molenda.

7 Also not present.

8 Docket TV-143301, Scourey Bros Moving & Moving, Jacob
9 Scourey.

10 MR. JACOB SCOUREY: Here.

11 JUDGE PEARSON: Okay. Thank you.

12 Docket TV-143346, AAA Movers, Gerald Munroe.

13 MR. MUNROE: Here.

14 JUDGE PEARSON: Okay. Thank you.

15 Docket TV-143347, Tacoma Movers, Anthony Wright.

16 MR. WRIGHT: Here.

17 JUDGE PEARSON: Thank you.

18 Docket TV-143348, Flat Rate Movers, Jay Christensen.

19 Okay. He does not appear to be here yet.

20 Docket TV-143357, NW Relocation, Gil Dorfman.

21 MR. DORFMAN: Here.

22 JUDGE PEARSON: Okay. So there are -- one, two,
23 three -- four companies who have not entered an appearance yet
24 today. Those companies are subject to being held in default and
25 having an order entered against them without a chance to address

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1 the Commission, and I will take those cases up later this
2 morning.

3 So each of you are here this morning because over the
4 last several weeks, the Commission filed a complaint alleging
5 that each of your companies is performing or advertising to
6 perform work as a household goods carrier without the required
7 permit from the Commission.

8 Under Washington law, it is strictly prohibited to
9 engage in business as a household goods carrier without first
10 obtaining a household goods carrier permit from the Commission,
11 and that law, which is cited in the complaint that was filed
12 against you, can be found at RCW 81.80.075(1).

13 The purpose of today's proceeding is to formally
14 explain to you what your choices are under the law, and then
15 hear from each of you regarding which option that you wish to
16 pursue.

17 So you can choose one of two options on behalf of
18 your company. The first is to cease and desist providing,
19 offering, and advertising unpermitted household goods services.
20 And if you choose this option, you'll need to demonstrate what
21 you have done to shut down your business either completely or
22 partially to avoid further enforcement action by the Commission.

23 The Commission is going to want to see and I'm going
24 to also want to hear from you that you have sufficient proof
25 that you're no longer performing unlawful household goods moves,

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1 for example, if you have taken down or changed your website or
2 changed other online advertisements of illegal services. So in
3 other words, you'll have to provide sufficient assurance that
4 you're no longer going to engage in unlawful household goods
5 moves.

6 The second option that you have is to ask for a
7 formal classification hearing to show why you don't need a
8 permit, and if you choose this option, you're contesting the
9 allegations in the complaint and you're claiming that you're not
10 conducting household goods moving services. If you choose this
11 option, we'll schedule a formal hearing for a date in the near
12 future with a deadline several weeks from now for both your
13 company and Commission Staff to declare all witnesses and file
14 all exhibits.

15 Each of you has a right to be heard by the
16 Commission, so I will call you up individually to do that. And
17 the Commission Staff also has a right to be heard, and Ms. Megan
18 Banks, who's seated over here to my right, represents the
19 Commission this morning. She is a compliance investigator.

20 So now that we've gone over the general options that
21 you have, I want to walk through what will happen with the rest
22 of the morning. In a few minutes, I'll call you each forward to
23 make your choice about how to proceed, whether you want to enter
24 an agreed cease and desist order or schedule a hearing to
25 contest the allegations. At that time I will swear you in with

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1 the oath of witness, so anything that you tell the Court is
2 under oath and considered sworn testimony. Again, please speak
3 slowly and clearly and be sure to use the microphone that's on
4 the table.

5 Once you are sworn in, I'll ask you if you understand
6 your options and then ask you to state your preference. And if
7 there's anything else that you want to explain to me, you can
8 do so at that time.

9 In each of the complaints the Commission has not only
10 alleged that you're providing household goods moving services
11 without a permit, they are also seeking to have a penalty
12 imposed. The law sets the maximum penalty for each violation at
13 \$5,000, and Staff will be making a penalty recommendation as
14 part of any agreed order. Ms. Banks will be explaining that
15 recommendation, but the Commission will make the final decision
16 about the amount of penalty to be imposed. And there are a
17 number of factors to be considered, and you can ask to be heard
18 on that matter if you wish.

19 If you choose to testify about how you're getting out
20 of the household goods moving business, I will allow you to make
21 a statement explaining how you plan to do that. And depending
22 on what proof you can provide, you should be able to reach an
23 agreed order resolving this matter with Commission Staff, and
24 then we'll see if Ms. Banks has any questions for you, and I may
25 also have questions, too, and then you will most likely speak

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1 further with Ms. Banks during the Court's recess.

2 Finally, if you choose to contest the allegation in
3 the complaint, we'll schedule another court appearance for the
4 Commission to present its evidence to prove its case, and then
5 I'll explain the types of documentation that you would need to
6 bring with you in order to dispute the Commission's evidence.

7 And if we're going to set a hearing, it'll help if
8 you know your schedule for the next month or so when we go to
9 review calendars.

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

14 For most of you, I believe Ms. Banks will be
15 presenting agreed orders bringing your companies into compliance
16 or reflecting an agreement for you to leave the industry
17 altogether.

18 Ms. Banks, do you want to make any general statements
19 on behalf of Commission Staff before I call each company
20 forward?

21 MS. BANKS: No.

22 JUDGE PEARSON: Okay. Well, let me swear you in at
23 this point so that you are sworn in for the entire proceeding.

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

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MEGAN BANKS,

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

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examined and testified as follows:

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JUDGE PEARSON: Okay. Thank you.

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All right. We'll begin with those companies who have

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made an appearance today, and after hearing from each of you,

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I'll turn to the companies who have not appeared.

9

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

10

11

12

So the first docket is TV-143185, Campus Bellhops.

13

If you could please come forward. And if you press the gray

14

button on the microphone, when the red comes on, then the

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microphone be will on.

16

MS. VANDER STOEP: Good morning, Your Honor. My name is Kari Vander Stoep. And I'm an attorney from K&L Gates, and I'm here representing Campus Bellhops.

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JUDGE PEARSON: Okay. Can you spell your last name for the record, and then give us your address, phone number, fax number, and e-mail address.

20

21

22

MS. VANDER STOEP: Sure. My last name is capital "V," as in Victor, a-n-d-e-r, then there's a space, and then Stoep, capital "S," t-o-e-p. I'm with K&L Gates in Seattle, Washington, and our address is 925 Fourth Avenue, Suite 2900,

23

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1 Seattle, 98104; the telephone number is 206.370.7804; fax is
2 206.370.6349; and, finally, my e-mail address is k-a-r-i, dot,
3 Vander Stoep, "V," as in Victor, a-n-d-e-r-s-t-o-e-p
4 @klgates.com.

5 And if Your Honor doesn't mind, I can go ahead and
6 give my card to the court reporter.

7 JUDGE PEARSON: That will be fine. Thank you.

8 Okay. And how does your client wish to proceed this
9 morning?

10 MS. VANDER STOEP: My client would like to
11 demonstrate that it has ceased providing household goods moves
12 in the State of Washington and no longer offers truck services
13 and so, therefore, falls outside the Commission's jurisdiction.

14 JUDGE PEARSON: Okay. And what have you brought with
15 you today to demonstrate that?

16 MS. VANDER STOEP: Your Honor, I brought a
17 declaration from one of the founders of Campus Bellhops, Cameron
18 Doody. His last name is spelled D-o-o-d-y. It explains and
19 references -- let's see here -- five exhibits. It explains that
20 starting on October 8th, the company ceased all trucking
21 services associated with their household moves. They're a
22 labor-only company. And, in addition, the additional exhibits
23 prove that they have changed their website to make very clear
24 that they are a labor-only company, they provide no trucking
25 services, and that all of the links through either Craigslist or

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1 through Groupon similarly make clear that they no longer provide
2 any trucking services and are labor-only.

3 JUDGE PEARSON: Okay. Thank you.

4 And, Ms. Banks, have you had a chance to verify the
5 information?

6 MS. BANKS: I have.

7 JUDGE PEARSON: Okay. Wonderful.

8 So you want to pursue a cease and desist order, then;
9 that's correct?

10 MS. VANDER STOEP: Yes, Your Honor.

11 JUDGE PEARSON: Okay. And, Staff, do you have a
12 recommendation regarding a cease and desist order for this
13 company?

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

16 JUDGE PEARSON: Okay. So when we take a recess,
17 you'll have the opportunity to speak with Ms. Banks and see if
18 you can agree on an order for entry. And, essentially, the
19 order will say that the company agrees that it was operating
20 without a permit, advertising without a permit, and that it
21 agrees to stop operating until if and when it gets a permit
22 should it decide to apply for one.

23 And once you are satisfied that you understand all
24 the terms of the order, you and Ms. Banks will both sign it.
25 And then it will also include an agreement -- most likely an

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1 agreement about the amount of penalty to be imposed, but if you,
2 for whatever reason, disagree with Ms. Banks' recommendation
3 about the penalty, you can make a case about why you believe the
4 penalty should be different than what she's recommending.

5 MS. VANDER STOEP: Okay. Thank you.

6 JUDGE PEARSON: Okay. Any other questions in this
7 case?

8 MS. VANDER STOEP: No further questions.

9 JUDGE PEARSON: Okay. Then I will call the next
10 docket.

11 TV-143301, Scourey Bros Mowing & Moving, Jacob
12 Scourey.

13 Good morning, Mr. Scourey. If you could please stand
14 and raise your right hand, I'll swear you in.

15

16 JACOB SCOUREY,

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 All right. And how would you like to proceed this
22 morning?

23 MR. JACOB SCOUREY: I would like to take Option --
24 what's that? -- 1, to cease and desist.

25 JUDGE PEARSON: The cease and desist option. Okay.

0013

1 And what have you brought with you?

2 MR. JACOB SCOUREY: I have a screen shot of --
3 showing that I deleted my ad for moving on Craigslist at July
4 30th.

5 JUDGE PEARSON: Okay. Anything else?

6 MR. JACOB SCOUREY: Yes. So I have proof of that.

7 I'd also like to deny some of the allegations that --
8 let's see.

9 On July 24th, I was sent a letter to -- stating to
10 cease and desist, cease operating as a household goods mover and
11 also cease advertising, and I believe I had done so after that
12 date. And I'm not a moving company. I'm a mowing company that
13 I started for my senior project --

14 JUDGE PEARSON: Okay.

15 MR. JACOB SCOUREY: -- two years ago.

16 But -- let's see. I also have proof of myself
17 deleting the moving ad right after I got that letter.

18 JUDGE PEARSON: Okay.

19 MR. JACOB SCOUREY: So do you need me to show you the
20 documents?

21 JUDGE PEARSON: No, that's okay. You'll show it to
22 Ms. Banks at the break. I just wanted to give you an
23 opportunity to tell me what it is that you brought with you
24 today.

25 MR. JACOB SCOUREY: Okay.

0014

1 JUDGE PEARSON: Is that all?

2 MR. JACOB SCOUREY: I believe so.

3 MR. JESS SCOUREY: May I say something? I'm his
4 father.

5 JUDGE PEARSON: If you want to come up to the
6 microphone, I can swear you in.

7 MR. JESS SCOUREY: Okay.

8 JUDGE PEARSON: Go ahead and turn the other
9 microphone on, and then if stand and raise your right hand.

10

11 JESS SCOUREY,

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

13 examined and testified as follows:

14

15 JUDGE PEARSON: Okay. And can you state your first
16 and last name for the record, please.

17 MR. JESS SCOUREY: My name is J-e-s-s, and, Scourey,
18 S-c-o-u-r-e-y.

19 JUDGE PEARSON: I'm sorry I was mispronouncing your
20 last name.

21 MR. JACOB SCOUREY: That's okay.

22 JUDGE PEARSON: Okay. Go ahead, Mr. Scourey.

23 MR. JESS SCOUREY: I guess the main thing, he just
24 forgot to mention we did a search as proof that there's no
25 ads --

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1 JUDGE PEARSON: Okay. Great.

2 MR. JESS SCOUREY: -- on Craigslist for his name

3 or...

4 MR. JACOB SCOUREY: I have documentation of that,

5 too.

6 MR. JESS SCOUREY: Yeah, or his phone number.

7 JUDGE PEARSON: Okay.

8 MR. JESS SCOUREY: And, yeah. I guess I just want

9 to -- I mean, he's a college student trying to earn money to go

10 to school. And so, like he said, his main job is mowing, so he

11 did -- yes, he did have an ad for moving, which he didn't know

12 at the time until he got the original letter that that -- you

13 had to have a permit. So at that time he ceased; you know, took

14 down his ad -- which Craigslist is his only ad for the moving.

15 He doesn't have anything else.

16 JUDGE PEARSON: Okay.

17 MR. JESS SCOUREY: He did agree -- he sort of agreed

18 to a move when she had e-mailed but actually turned it down

19 after discussions realizing he wasn't supposed to do that. But

20 I guess I just want to appeal to the Court that, you know, it's

21 so minor what he did. And we drove clear from Pullman. I had

22 to take a day off work to support him. He had to miss a day of

23 school to come over here because of a couple hundred dollars

24 that he earned moving. And most of it was he moved -- helped

25 people, college students, move their own material or own goods

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1 into their own U-Haul.

2 So that was mainly what he did. He did use his -- my
3 pick up once or twice helping friends or someone that's
4 contacted him to move some of their goods. But like I said, he
5 didn't do any of that since the original letter that she sent.

6 JUDGE PEARSON: Okay.

7 MR. JESS SCOUREY: So I guess I'd just like to appeal
8 to the Court on those matters how minor this is in my opinion.

9 JUDGE PEARSON: Okay. Well, I appreciate that, and I
10 appreciate you taking this seriously enough --

11 MR. JESS SCOUREY: Yeah.

12 JUDGE PEARSON: -- to drive all the way over here to
13 Olympia --

14 MR. JESS SCOUREY: Yeah.

15 JUDGE PEARSON: -- today --

16 MR. JESS SCOUREY: Uh-huh.

17 JUDGE PEARSON: -- because we do take this very
18 seriously.

19 MR. JESS SCOUREY: Yeah, obviously so.

20 JUDGE PEARSON: Okay.

21 MR. JESS SCOUREY: And we -- he is now -- he could
22 tell you, I guess, that he's done, so...

23 JUDGE PEARSON: Okay. Well, you can --

24 MR. JACOB SCOUREY: Yeah. Also...

25 JUDGE PEARSON: Go ahead.

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1 MR. JACOB SCOUREY: Even being a mowing company --
2 and I'm also being licensed for that completely in the law
3 within that, but I'm ceasing that, too, just to let you know.
4 And I won't be renewing that license. That's next year. Next
5 summer I'm going to be getting into internship, and then the
6 real world. I'm not done. This was just to support my college
7 career.

8 JUDGE PEARSON: Okay. Thank you.

9 MR. JACOB SCOUREY: And try and stay out of debt.

10 JUDGE PEARSON: Okay. So then you will be agreeing
11 to a cease and desist order today; is that correct?

12 MR. JACOB SCOUREY: Yes; that's correct.

13 JUDGE PEARSON: And, Ms. Banks, have you had the
14 opportunity to verify any of the information that he brought
15 with him today, or will you just do that at the recess?

16 MS. BANKS: I have not verified the information he's
17 brought, but I have checked, and he is no longer advertising on
18 Craigslist.

19 JUDGE PEARSON: Okay. Great. Thank you.

20 And do you have anything to say about the company's
21 decision?

22 MS. BANKS: We agree with the cease and desist.

23 JUDGE PEARSON: Okay. That sounds great.

24 Okay. So you heard what I said earlier that
25 essentially the agreed order that you will sign will say that

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1 you agree that you were operating without a permit, that you
2 advertised without a permit, and that you agree to stop
3 operating until such time in the future you may or may not
4 choose to get a permit. And once you're satisfied that you
5 understand all the terms, Ms. Banks and you will both sign it.
6 And then if you can agree on an amount of penalty, it will
7 include that as well. But if for whatever reason you disagree
8 with her recommendation, you can make that case to me when you
9 come back after the break.

10 MR. JACOB SCOUREY: Okay. So we get a second
11 statement after the break?

12 JUDGE PEARSON: You do, yes.

13 MR. JACOB SCOUREY: Okay.

14 JUDGE PEARSON: And also opportunity to speak with
15 her.

16 MR. JACOB SCOUREY: Okay. Perfect.

17 JUDGE PEARSON: Okay. Do you have any other
18 questions?

19 MR. JACOB SCOUREY: No.

20 JUDGE PEARSON: Okay. I'll call the next docket,
21 then, Docket TV-143346, AAA Movers, Gerald Munroe.

22 Good morning Mr. Munroe. If you could just go ahead
23 and stay standing and raise your right hand.

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GERALD MUNROE,

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

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examined and testified as follows:

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JUDGE PEARSON: Okay. Thank you.

6

Mr. Munroe, how would you like to proceed this

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morning?

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MR. MUNROE: I would like to, I guess, cease and

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dismiss -- or cease until I've gotten with compliance --

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JUDGE PEARSON: Okay.

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MR. MUNROE: -- if that was an option. I wasn't

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sure.

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JUDGE PEARSON: Well, your option is to cease and

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desist. We don't put any other language in the order about if

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and when you might obtain a permit.

16

But is your plan to, once again, apply for a permit?

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MR. MUNROE: Yes.

18

JUDGE PEARSON: Okay. And you plan to maintain it

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this time?

20

MR. MUNROE: Yes.

21

JUDGE PEARSON: Okay.

22

MR. MUNROE: And, yeah. The -- for whatever reason

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it wasn't maintained was solely due to insurance not

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understanding what they were supposed to send over. It wasn't

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that I didn't have the insurance. It was...

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1 JUDGE PEARSON: So you're blaming your insurance
2 company?

3 MR. MUNROE: Basically, yes.

4 JUDGE PEARSON: Okay. Because you've been here
5 before, and you've been in trouble with the Commission on
6 multiple occasions over the years.

7 MR. MUNROE: And it was all the insurance.
8 Everything else has been in compliance --

9 JUDGE PEARSON: Okay.

10 MR. MUNROE: -- outside of them submitting what they
11 were supposed to.

12 JUDGE PEARSON: So at some point, you know,
13 obviously, the ultimate responsibility falls with you and not
14 with the insurance company. You can't blame your insurance
15 company. If you've having problems with your insurance company,
16 you go and do business with a different insurance company.

17 MR. MUNROE: Right.

18 JUDGE PEARSON: And I'm disappointed to see you here
19 again today. I just want to make that clear.

20 MR. MUNROE: Yes.

21 JUDGE PEARSON: Ms. Banks, do you have anything to
22 say about Mr. Munroe's choice?

23 MS. BANKS: Staff would agree with a cease and
24 desist.

25 JUDGE PEARSON: Okay. So, again, at the recess, you

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1 can speak with Ms. Banks. And if you can agree to an order, it
2 will say that you agree you were operating without a permit,
3 that you advertised without a permit, and that you agree to
4 cease and desist all operations until you get a permit. And
5 once you are satisfied that you understand all the terms of the
6 order, then you'll sign it and Ms. Banks will sign it.

7 And like I said, it will include a penalty
8 recommendation from Staff. You can either agree with the
9 penalty recommendation or if you don't agree, then you can make
10 a case to me about why you think it should be different.

11 Do you have any questions?

12 MR. MUNROE: No.

13 JUDGE PEARSON: Okay. Thank you.

14 Then I'll call the next docket, Docket TV-143347,
15 Tacoma Movers, Anthony Wright.

16 Either one.

17 MR. WRIGHT: Okay.

18 JUDGE PEARSON: It's your choice.

19 MR. WRIGHT: This one is high, and I'll take this
20 one.

21 JUDGE PEARSON: Okay. Good morning.

22 MR. WRIGHT: Good morning.

23 JUDGE PEARSON: If you would like to stand up and
24 raise your right hand. I'll swear you in.

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ANTHONY WRIGHT,

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

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examined and testified as follows:

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JUDGE PEARSON: Okay. Thank you.

6

And, Mr. Wright, how would you like to proceed this

7

morning?

8

MR. WRIGHT: I would like to do the cease and desist

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and -- and also I wasn't clear if it was the opportunity to

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disagree with the findings at this time in conjunction with

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ceasing and desisting.

12

JUDGE PEARSON: Well, it depends.

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Are you contesting the fact that you operated as a

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household goods company, or just contesting some of the details

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but you admit that you were moving household goods?

16

MR. WRIGHT: Well, I would contest that some -- I

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guess some of the advertisements were taken in the wrong light,

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and it wasn't implied that I was advertising as a full-service

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company, which we did not. But I will still like to cease and

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desist, but it was -- but to contest the other area that we did

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try to advertise as full service. I think there was an unclear

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area there for me as well.

23

JUDGE PEARSON: Okay. So I think that would probably

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best be taken up with Staff at the recess as a mitigating factor

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that you could present to Staff when deciding on the penalty --

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1 MR. WRIGHT: That's fine.

2 JUDGE PEARSON: -- recommendation because if you're
3 agreeing to cease and desist and that you did provide household
4 goods moves, then that's probably the avenue you should take.
5 Otherwise, we would schedule another --

6 MR. WRIGHT: Another day?

7 JUDGE PEARSON: -- evidentiary hearing down the road
8 from now and that would be, you know, a different date and time
9 for you to present the case.

10 MR. WRIGHT: Too much time. I'll do that first one.

11 JUDGE PEARSON: Okay. Did you bring any proof with
12 you today that...

13 MR. WRIGHT: Yes.

14 JUDGE PEARSON: Okay. And you plan on showing that
15 to --

16 MR. WRIGHT: Yes.

17 JUDGE PEARSON: -- Ms. Banks at the break?

18 MR. WRIGHT: I can show you now or to Ms. Banks.

19 JUDGE PEARSON: Okay. That sounds good.

20 So when we take a recess, like I said, you'll have an
21 opportunity to speak with her. You'll sign an order that says
22 that you agree that you operated illegally, that you advertised
23 illegally, and that you will not operate as a household goods
24 carrier unless and until you obtain a permit from the
25 Commission.

0024

1 And, again, it will also include a penalty
2 recommendation that you either will agree with or you won't and
3 if you don't, you'll have an opportunity to explain to me why
4 you don't agree with the penalty recommendation at that time,
5 okay?

6 MR. WRIGHT: (Nods head.)

7 JUDGE PEARSON: Any other questions?

8 MR. WRIGHT: No, ma'am.

9 JUDGE PEARSON: Okay. Thank you.

10 MR. WRIGHT: Thank you.

11 JUDGE PEARSON: And I'll call the next docket,
12 TV-143357, NW Relocation, Gil Dorfman.

13 MS. BANKS: Judge Pearson, I'd just like to say Staff
14 would agree with a cease and desist for Tacoma Movers.

15 JUDGE PEARSON: Okay. Thank you.

16 Okay. If you could just please stand and raise your
17 right hand.

18

19

GIL DORFMAN,

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

21 examined and testified as follows:

22

23 JUDGE PEARSON: And you are Mr. Dorfman?

24 MR. DORFMAN: Yeah.

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

0025

1 this morning?

2 MR. DORFMAN: Cease and...

3 JUDGE PEARSON: With the cease and desist?

4 MR. DORFMAN: Yeah.

5 JUDGE PEARSON: Okay. And what did you bring with
6 you?

7 MR. DORFMAN: Well, I just want to say we simply
8 don't -- we don't do local jobs in Washington, so I just brought
9 some samples from our web page showing -- I'm out of Portland,
10 Oregon, and we -- you know, so showing our Oregon page, local
11 moving in Oregon, compared with jobs in Portland. And how our
12 web -- you know, what our web page says about Seattle; that
13 we -- you know, nowhere it says that we do local than Seattle,
14 so we do not advertise.

15 I wanted to mention the fact that you said you sent
16 us a warning because you called one of our salespeople and he
17 gave you a quote for a move, and we simply do not do moves in
18 Seattle. Salespeople, they get commission for jobs they book,
19 so, you know, they might sometimes say things they shouldn't be
20 saying to customers. But, you know, we're just not set up to do
21 any of those kind of jobs up here.

22 And so you said you sent us a warning. I never --
23 you sent it to the wrong address. We haven't been there for
24 three years at that address, so we simply did not get the
25 warning. You know, obviously, we would have acted upon the

0026

1 warning had I got it, but I'm acting upon appearing here. The
2 second warning, I guess.

3 JUDGE PEARSON: Okay. So are you saying that your
4 website has changed since --

5 MR. DORFMAN: There was nothing on the website
6 that -- that shows that we do local jobs in Portland -- I mean,
7 in Seattle. We do interstate but not intrastate.

8 JUDGE PEARSON: Okay.

9 MR. DORFMAN: So we do have a Seattle web page, but
10 nothing that talks about doing local. And that's where I
11 have -- I brought the comparison between Portland and Seattle
12 showing that we do talk about local in Portland, but not in
13 Seattle.

14 JUDGE PEARSON: Okay. And you can show that to
15 Ms. Banks at the recess.

16 MR. DORFMAN: Okay.

17 JUDGE PEARSON: So you do want to pursue a cease and
18 desist order; is that correct?

19 MR. DORFMAN: Yeah.

20 JUDGE PEARSON: Okay. And, Ms. Banks, Staff's
21 response?

22 MS. BANKS: Staff would agree with the cease and
23 desist.

24 JUDGE PEARSON: Okay. So, again, I'll just tell you
25 what I've told the other companies. The order that you will

0027

1 sign will state that you agree with that you operated illegally,
2 that you advertised -- or that you offered to move illegally,
3 that you advertised, and that you will stop operating unless and
4 until you get a permit should you decide to apply for one.

5 And you and Ms. Banks will both sign the order. It
6 will include a penalty recommendation. If you agree with it,
7 great. If not, then you can explain to me when we come back why
8 you've disagreed with her recommendation.

9 MR. DORFMAN: Okay.

10 JUDGE PEARSON: Do you have any questions?

11 MR. DORFMAN: No.

12 JUDGE PEARSON: Okay. Thank you. You can have a
13 seat.

14 Okay. At this point I'm going to recall the
15 companies who were not present when I first took a roll call at
16 9:35 this morning. The time is approximately two minutes after
17 ten o'clock, and the first docket that did not initially appear
18 is TV-143184, Christian Brothers and Daniel Picon.

19 Okay. Hearing nothing, Docket TV-143268, Bob the
20 Mover, Robert Rindfuss.

21 MR. RINDFUSS: I'm here.

22 JUDGE PEARSON: Okay. Thank you, Mr. Rindfuss.

23 Docket TV-143269, Major Movers, Travis Molenda.

24 MR. MOLEND: I'm here.

25 JUDGE PEARSON: Okay. Thank you, Mr. Molenda.

0028

1 And Docket TV-143348, Flat Rate Movers, Jay
2 Christensen.

3 Okay. Hearing nothing, Mr. Rindfuss, if you would
4 come forward. Okay. If you could also stay standing and raise
5 your right hand.

6

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

10

11 JUDGE PEARSON: Okay. And you are Robert Rindfuss,
12 correct?

13 MR. RINDFUSS: I am Robert Rindfuss.

14 JUDGE PEARSON: Okay. And how do you wish to proceed
15 this morning?

16 MR. RINDFUSS: I haven't been running a business, so
17 I guess I cease and desist. I work full time for a UTC member,
18 so...

19 JUDGE PEARSON: What's that?

20 THE WITNESS: I work full time for a UTC member. I
21 guess -- I don't know -- I guess through his --

22 JUDGE PEARSON: For a permitted mover --

23 MR. RINDFUSS: Yes; correct.

24 JUDGE PEARSON: -- is that what you're saying?

25 MR. RINDFUSS: Yeah. So I don't know. They said

0029

1 they had three things against me. I don't know. I don't
2 advertise whatsoever.

3 And then I guess they set up -- someone called me
4 and -- you know, I've been in the game for 18 years, you know,
5 moving with some of the moving companies. And someone called me
6 up and kind of begged me to do a move for them, so...

7 I hadn't done any business prior to that, so...

8 JUDGE PEARSON: Okay.

9 MR. RINDFUSS: They seemed to think I have a
10 business, but...

11 JUDGE PEARSON: Well, I know that like, Mr. Munroe,
12 you have been here before. This is not your first time
13 appearing before the Commission --

14 MR. RINDFUSS: Yeah.

15 JUDGE PEARSON: -- at a movers court.

16 MR. RINDFUSS: Yeah. I guess that's why they must
17 have called me.

18 JUDGE PEARSON: Okay. And you do understand we tried
19 to impress upon you the first time you were here that this is
20 serious --

21 MR. RINDFUSS: Yeah, it is.

22 JUDGE PEARSON: -- and that we expect you to --

23 MR. RINDFUSS: I understand that.

24 JUDGE PEARSON: -- cease and desist, correct?

25 MR. RINDFUSS: Yeah.

0030

1 JUDGE PEARSON: And, Ms. Banks, what is Staff's
2 position on the company's choice?

3 MS. BANKS: Staff would agree with a cease and
4 desist.

5 JUDGE PEARSON: Okay. So what I have been explaining
6 to the other companies is that when we take a break, you'll have
7 an opportunity to speak with Ms. Banks. And if you wish to, you
8 can sign the agreed cease and desist order which will state that
9 you agree that you were operating without a permit. I don't
10 believe that your complaint alleges that you advertised. Just
11 that you offered to do a move and that you agree to stop
12 operating until you get a permit if you decide to apply.

13 MR. RINDFUSS: Yeah, we'll see.

14 JUDGE PEARSON: And once you're satisfied that you
15 understand the terms of the agreement, you'll sign it, and
16 Ms. Banks will sign it. It'll include a penalty recommendation.
17 If you want to dispute that recommendation, you'll have the
18 opportunity to do so when we come back from recess.

19 MR. RINDFUSS: Okay.

20 JUDGE PEARSON: Any other questions?

21 MR. RINDFUSS: No.

22 JUDGE PEARSON: Okay. All right. TV-143269, Major
23 Movers, Travis Molenda. If you could come forward.

24 Mr. Molenda, if you could also stay standing and
25 raise your right hand.

0031

1

TRAVIS MOLEND A,

2

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

3

examined and testified as follows:

4

5

JUDGE PEARSON: Okay. Thank you.

6

7

And, Mr. Molenda, this is also not your first rodeo with the Commission, so why don't you explain to me what happened.

8

9

10

11

12

13

14

MR. MOLEND A: I was in the process of getting a truck, and it just kind of got out of hand and didn't get my butt down here to -- to get my permit. And now I am trying to be in compliance, and I have submitted all of my paperwork to the UTC to hopefully be approved for a household goods permit. I don't know what the outcome of that has been yet.

15

16

JUDGE PEARSON: Okay. So you have a pending application with the Commission?

17

18

19

MR. MOLEND A: I think I do, yes.

20

21

22

JUDGE PEARSON: Okay. So how do you want to proceed this morning?

23

24

25

MR. MOLEND A: I -- you know, I know that I have been working and didn't have a permit at the time. I'm not trying to deny that, so...

JUDGE PEARSON: Okay. So you want to sign the cease and desist order that just says that you won't do any moves until that temporary permit is issued to you?

0032

1 MR. MOLEND: Yeah. I think I filed for a permanent
2 permit, so...

3 JUDGE PEARSON: Well, first, you'll be issued a
4 temporary authority --

5 MR. MOLEND: Okay.

6 JUDGE PEARSON: -- if your application is approved,
7 and so what the order will say is that until you receive word
8 that that temporary permit has been issued and your application
9 has been approved, you will not do any moves --

10 MR. MOLEND: Okay.

11 JUDGE PEARSON: -- that fall under the UTC's
12 jurisdiction --

13 MR. MOLEND: Gotcha.

14 JUDGE PEARSON: -- okay?

15 MR. MOLEND: (Nods head.)

16 JUDGE PEARSON: Ms. Banks?

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

19 JUDGE PEARSON: Okay. So when we take a recess,
20 you'll have the opportunity to speak with Ms. Banks. And if you
21 can agree on an order for entry, it will say that you agree you
22 were operating without a permit, that you advertised without a
23 permit, and that you agree to stop operating until you get a
24 permit like I just said.

25 And once you're satisfied that you understand all the

0033

1 terms, you'll sign that order and Ms. Banks will sign that
2 order. It will include a penalty recommendation. You can
3 either agree to it, or you can come back before me and explain
4 to me why you don't agree with it, okay?

5 MR. MOLEND: Okay.

6 JUDGE PEARSON: Does that make sense? Do you have
7 any other questions?

8 MR. MOLEND: No.

9 JUDGE PEARSON: Okay.

10 MR. MOLEND: Thank you.

11 JUDGE PEARSON: Thank you.

12 And I didn't see anyone else come into the hearing
13 room in the interim, so I'm going to assume that those are the
14 only companies that will be appearing today.

15 Hopefully, by eleven a.m., maybe we can have the
16 orders prepared and we'll call each of you back up and make sure
17 you understand the order. I will sign it on the record today
18 and then you'll leave with a copy of the order and you'll also
19 be officially served a copy of the order by mail.

20 So, Ms. Banks, is there anything else that you would
21 like to say before we take a break?

22 MS. BANKS: There's nothing further.

23 JUDGE PEARSON: Okay. And by a show of hands, does
24 anyone in the audience have any questions?

25 Okay. Seeing none, then at approximately 10:08 a.m.,

0034

1 we are at recess.

2 And, Ms. Banks, I'll be in my office. Just notify me
3 when I need to come back.

4 And we'll go off the record. Thank you.

5 (A break was taken from 10:08 a.m.
6 to 10:16 a.m.)

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

8 We took a brief recess and we're back just briefly to
9 deal with another party who has showed up on the break. And
10 then we will go back to recess so that Staff can discuss the
11 stipulated orders with the parties.

12 So I will now call Docket -- is it TV-143347, Jay
13 Christensen?

14 MS. BANKS: 48, I believe.

15 JUDGE PEARSON: It's 48. Sorry. TV-143348, Flat
16 Rate Household Movers, Jay Christensen.

17 Can you please come forward?

18 MR. CHRISTENSEN: Here?

19 JUDGE PEARSON: Yes. And if you could just turn the
20 microphone on by pressing the gray button, and then a red light
21 will appear.

22 MR. CHRISTENSEN: The red light is already on. I
23 turned it off.

24 JUDGE PEARSON: Okay. So you want it to be on.

25 MR. CHRISTENSEN: Turn it back on, yeah.

0035

1 JUDGE PEARSON: And then if you could just stand and
2 raise your right hand, I'll swear you in.

3

4

JAY CHRISTENSEN,

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

6

examined and testified as follows:

7

8 JUDGE PEARSON: Okay. Thank you. You may be seated.

9

So I'll go back and describe a little bit what your
10 choices are today. You have two options.

11

Have you had a chance to talk with Ms. Banks in
12 advance about those options?

13

MR. CHRISTENSEN: A little bit, yeah.

14

JUDGE PEARSON: A little bit? Okay.

15

MR. CHRISTENSEN: She's been helpful.

16

JUDGE PEARSON: So you can either choose to cease and
17 desist providing, offering, or advertising unpermitted household
18 goods services until you get a permit. And if you choose that
19 option, you'll need to demonstrate what you have done to shut
20 down your business either completely or partially to avoid
21 further enforcement action.

22

MR. CHRISTENSEN: Mm-hm.

23

JUDGE PEARSON: And so Ms. Banks is going to want to
24 see and I'm going to want to hear about anything you brought
25 with you --

0036

1 MR. CHRISTENSEN: Okay.

2 JUDGE PEARSON: -- to show that you have shut your
3 business down or that you're no longer performing unlawful
4 household goods moves.

5 The other option is to ask for a formal
6 classification hearing to show why you don't need a permit if
7 you're contesting the allegations and saying no, I'm not doing
8 household goods moves and I can prove it.

9 So do you know which of those two options?

10 MR. CHRISTENSEN: Yes. I will stop advertising the
11 truck, stop doing household moves over the road until I can get
12 the money up to get the permits.

13 JUDGE PEARSON: Can you speak a little closer to the
14 microphone?

15 MR. CHRISTENSEN: Sorry. About that.

16 JUDGE PEARSON: Okay.

17 MR. CHRISTENSEN: I will partially close down the
18 transportation part of everything I do.

19 JUDGE PEARSON: Okay.

20 MR. CHRISTENSEN: Advertise, I've already switched
21 over the ads, which I have brought proof of that. And I shall
22 just wait until I can get the money together for everything that
23 goes with it.

24 JUDGE PEARSON: Okay. So it sounds like you're
25 choosing to provide labor-only moves in the meantime?

0037

1 MR. CHRISTENSEN: Yes, ma'am. And I got the
2 advertisements and stuff, so...

3 JUDGE PEARSON: Okay, great.

4 MR. CHRISTENSEN: That say labor-only.

5 JUDGE PEARSON: Okay.

6 And, Ms. Banks, have you had a chance to verify that?

7 MS. BANKS: I have.

8 JUDGE PEARSON: Okay. Perfect.

9 And do you agree with the company's choice to enter a
10 cease and desist order?

11 MS. BANKS: Staff agrees with the cease and desist
12 order.

13 JUDGE PEARSON: Okay. Thank you.

14 So when we go back at recess, you'll have an
15 opportunity to speak with Ms. Banks and the Commission Staff to
16 see if you can agree on an order for entry.

17 MR. CHRISTENSEN: Okay.

18 JUDGE PEARSON: And what that order will essentially
19 say is that you agree that you were operating without a permit,
20 you agree that you advertised without a permit, and you agree to
21 stop operating until you get a permit. And once you're
22 satisfied that you understand all the terms of the order, you'll
23 sign it. Ms. Banks will sign it. It will include a penalty
24 recommendation.

25 MR. CHRISTENSEN: Mm-hm.

0038

1 JUDGE PEARSON: And you can either agree to pay that
2 penalty, or when you come back, you'll have the opportunity to
3 explain to me why you think the penalty amount should be
4 different --

5 MR. CHRISTENSEN: Okay.

6 JUDGE PEARSON: -- okay?

7 All right. Then let's be back at recess if you don't
8 have any other further questions.

9 MR. CHRISTENSEN: (Witness shakes head.)

10 JUDGE PEARSON: Okay. We'll go off the record again.
11 Thank you.

12 MR. CHRISTENSEN: Thank you. Thanks.

13 (A break was taken from 10:17 a.m.
14 to 12:06 p.m.)

15 JUDGE PEARSON: Good afternoon. Let's be back on the
16 record a little after twelve p.m.

17 I hold in my hand the cease and desist orders, and I
18 understand they have been explained and presented to each
19 company.

20 So I will call you back up one at a time in the order
21 that we went in before beginning with TV-143185, Campus
22 Bellhops, LLC, Ms. Vander Stoep.

23 MS. VANDER STOEP: Yes, Your Honor.

24 JUDGE PEARSON: Okay. So I'm presuming since you're
25 counsel for the company that you had no problems understanding

0039

1 the terms of the order.

2 MS. VANDER STOEP: Yes.

3 JUDGE PEARSON: And I see that you and Ms. Banks have
4 both signed it.

5 MS. VANDER STOEP: Yes.

6 JUDGE PEARSON: And just for the record, Ms. Banks,
7 it looks like you recommended two violations: one for offering
8 a move and one for advertising; is that correct?

9 MS. BANKS: That is correct.

10 JUDGE PEARSON: Okay. And the \$5,000 penalty will be
11 imposed, a \$4500 portion of that will be suspended, and the
12 company will pay a \$500 penalty; is that correct?

13 MS. BANKS: That is correct.

14 JUDGE PEARSON: Okay. And just for the record,
15 Campus Bellhops is agreeing to shut down their operations until
16 they receive a permit; is that correct?

17 MS. VANDER STOEP: Correct. They are going to
18 function as a labor-only company.

19 JUDGE PEARSON: Okay. And the suspension period for
20 the \$4500 is two years from today's date, which is November 4,
21 2016, so that means that if Staff finds an advertisement or they
22 offer a move during that time, the remaining \$4500 becomes
23 immediately due.

24 And the order to cease and desist is permanent, which
25 means that it does not expire. So if even after that two-year

0040

1 period of the suspended penalty has run, if Staff discovers the
2 company is still operating, Staff can go straight to Superior
3 Court and seek enforcement of the order, which will include
4 significant additional penalties, so there's a very strong
5 incentive for your client to comply with the law.

6 And it looks like you are making the entire payment
7 today; is that correct also?

8 MS. VANDER STOEP: Yes, Your Honor. It was made.

9 JUDGE PEARSON: Okay. And do you have any additional
10 questions?

11 MS. VANDER STOEP: No, Your Honor.

12 JUDGE PEARSON: Okay. Then I will sign this order
13 and I'll hand it to Ms. Banks and you are free to go. Thank
14 you.

15 Okay. Next is Docket TV-143301, Jacob Scourey,
16 Scourey Bros Mowing & Moving.

17 Hi, Mr. Scourey.

18 MR. JACOB SCOUREY: Hello.

19 JUDGE PEARSON: Okay. So did you have a chance to
20 walk through the multipage order, and do you understand all five
21 pages prior to the signature page?

22 MR. JACOB SCOUREY: Yes, I do.

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

25 And just for the record, Ms. Banks, it looks like,

0041

1 again, you've recommended two violations: one for offering a
2 move and one for advertising; is that correct?

3 MS. BANKS: That is correct.

4 JUDGE PEARSON: Okay. And the \$5,000 penalty will be
5 imposed, but it looks as though the entire penalty will be
6 suspended for the two-year period provided that you cease
7 operations; is that also correct?

8 MS. BANKS: That is correct.

9 JUDGE PEARSON: Okay. And, Mr. Scourey, do you have
10 any dispute about the facts that we talked about earlier?

11 MR. JACOB SCOUREY: I do not, Your Honor.

12 JUDGE PEARSON: Okay. And you do understand you're
13 agreeing to shut down your business unless and until you obtain
14 a permit in the future, correct?

15 MR. JACOB SCOUREY: I do.

16 JUDGE PEARSON: Okay. So, again, the suspension
17 period for that \$5,000 is two years from today's date, November
18 4, 2016, so the entire amount will become due and payable if
19 it's discovered that you're conducting moves within those two
20 years. And, again, the cease and desist order is permanent, and
21 so it does not expire. So anytime in the future Staff can
22 subpoena you into Superior Court and levy additional fines,
23 okay?

24 MR. JACOB SCOUREY: Okay.

25 JUDGE PEARSON: All right. And you do understand

0042

1 legally what you can and can't do, correct?

2 MR. JACOB SCOUREY: Yes, I do.

3 JUDGE PEARSON: Okay. Do you have any additional
4 questions?

5 MR. JACOB SCOUREY: I do not.

6 JUDGE PEARSON: Okay. Then I will sign this order,
7 and you are free to go.

8 MR. JACOB SCOUREY: Thank you.

9 JUDGE PEARSON: Thanks.

10 Okay. Docket TV-143346, Gerald Munroe, d/b/a AAA
11 Movers and Delivery Specialist LLC.

12 Mr. Munroe, did you have a chance to go through the
13 order, and do you understand all --

14 MR. MUNROE: Yes, I do.

15 JUDGE PEARSON: -- all of its contents?

16 Okay. And I see that you and Ms. Banks have both
17 signed the order.

18 And, again, Ms. Banks, you're recommending two
19 violations: one for operating a move and one for advertising;
20 is that correct?

21 MS. BANKS: That's correct.

22 JUDGE PEARSON: Okay. So the \$5,000 penalty will be
23 imposed and it looks like a \$4,000 portion of the penalty will
24 be suspended and the company will pay a \$1,000 penalty; is that
25 correct?

0043

1 MS. BANKS: That is correct.

2 JUDGE PEARSON: Okay. And I see the payment
3 schedule, is that you'll make a \$500 payment today and another
4 \$500 payment by no later than December 4th?

5 MR. MUNROE: I made the five -- excuse me. I made
6 that \$500 today already.

7 JUDGE PEARSON: Okay. And you do understand that if
8 you miss that second payment, the entire \$5,000 becomes due
9 immediately?

10 MR. MUNROE: Correct.

11 JUDGE PEARSON: And if for some reason you're going
12 to be late, it's imperative that you contact Staff and let them
13 know because failing to contact them means that you absolutely
14 will get the \$5,000 penalty imposed.

15 MR. MUNROE: Right.

16 JUDGE PEARSON: And the suspension period for the
17 4,000, again, two years from today's date. The cease and desist
18 order, however, is permanent, so I'm just making sure that you
19 understand that.

20 And do you have any additional questions?

21 MR. MUNROE: No.

22 JUDGE PEARSON: Okay. Then I will go ahead and sign
23 this order, and you are free to go.

24 Okay. Docket TV-143347, Anthony Wright, d/b/a Man
25 and a Van.

0044

1 Hi.

2 MR. WRIGHT: Hi.

3 JUDGE PEARSON: Did you have a chance to look through
4 the order, and do you understand all of its contents?

5 MR. WRIGHT: I didn't have a chance to look through
6 it, but I did kind of -- verbally, I understood.

7 JUDGE PEARSON: Okay. So you understand what you
8 signed?

9 MR. WRIGHT: Yes.

10 JUDGE PEARSON: Okay.

11 And, Ms. Banks, again, it looks like two violations:
12 one for offering to move and one for advertising?

13 MS. BANKS: That is correct.

14 JUDGE PEARSON: Okay. And the \$5,000 penalty will be
15 imposed, but a \$4500 penalty will be suspended, and the company
16 will pay \$500; is that also correct?

17 MS. BANKS: That is correct.

18 JUDGE PEARSON: Okay. And just for the record,
19 Mr. Wright, you are agreeing to shut down Man and a Van, Inc.,
20 aka Tacoma Movers, unless you get a permit?

21 MR. WRIGHT: With regards to the full-service moves,
22 yes.

23 JUDGE PEARSON: Okay. You're just going to do
24 labor-only?

25 MR. WRIGHT: Labor-only; yes, ma'am.

0045

1 JUDGE PEARSON: Okay. And you do understand exactly
2 what you can and can't do?

3 MR. WRIGHT: Yes, I was unclear about that. But we
4 had a discussion about it, and so, yes, ma'am.

5 JUDGE PEARSON: Okay. And also remember you can
6 always contact Ms. Banks if you have a question. She's always
7 here to provide you with technical assistance. If something
8 seems gray to you, just give her a call --

9 MR. WRIGHT: Yes, ma'am.

10 JUDGE PEARSON: -- and she can let you know.

11 Okay. So the suspension period for the \$4500, again,
12 is two years. So if they catch you moving, offering to move
13 advertising within that time, the entire \$5,000 will become due.

14 The cease and desist is permanent, so you can be
15 subpoenaed into Superior Court even after that two-year period
16 if Staff finds that you're still moving.

17 And I see there's a proposed payment schedule for the
18 penalty.

19 You're making a \$125 payment today; is that correct?

20 MR. WRIGHT: It's been made.

21 JUDGE PEARSON: Okay. And you'll have the entirety
22 paid no later than February 4, 2015?

23 MR. WRIGHT: Yes, ma'am.

24 JUDGE PEARSON: Okay. And you understand if you miss
25 a payment, the entire additional \$4500 becomes due?

0046

1 MR. WRIGHT: Yes.

2 JUDGE PEARSON: Okay. Do you have any additional
3 questions?

4 MR. WRIGHT: No, ma'am; not at this time.

5 JUDGE PEARSON: Okay. I will sign this order, and
6 you're free to go.

7 MR. WRIGHT: Thank you.

8 JUDGE PEARSON: Thank you.

9 Okay. Docket TV-143357, Gil Dorfman, d/b/a GTS
10 Shipping Window, Inc., aka NW Relocation.

11 Hi. Okay. Did you have a chance to read through the
12 order, and do you understand what you signed?

13 MR. DORFMAN: Yes.

14 JUDGE PEARSON: Okay. And, Ms. Banks, again, it
15 looks as though there are two violations alleged here: one for
16 offering to move and one for advertising?

17 MS. BANKS: That is correct.

18 JUDGE PEARSON: Okay. And, again, the \$5,000 penalty
19 will be imposed and a \$4500 portion of that will be suspended
20 and the company will pay a \$500 penalty; is that correct?

21 MS. BANKS: That is correct.

22 JUDGE PEARSON: And for the record, Mr. Dorfman,
23 you're agreeing to shut down GTS Shipping Window, Inc., aka NW
24 Relocation, unless and until you get a permit in Washington
25 State?

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1 MR. DORFMAN: Yes.

2 JUDGE PEARSON: Okay. And you're clear about what
3 you can and can't do under the law in Washington?

4 MR. DORFMAN: Yes.

5 JUDGE PEARSON: Okay. So once, again, I'll just
6 reiterate, the suspension period is for two years from today's
7 date. If at any time Staff discovers that you're offering or
8 advertising to conduct moves in Washington, the entire \$5,000
9 penalty will become due and payable.

10 And the order to cease and desist is permanent, so at
11 any point in time if they catch you even after that two-year
12 period, you can be summoned back into Superior Court and face
13 very hefty fines.

14 And it looks like you paid the entire \$500 today; is
15 that correct?

16 MR. DORFMAN: (No audible response.)

17 JUDGE PEARSON: Okay. Then I will sign this order.

18 Unless you have any additional questions, you're free
19 to go.

20 MR. DORFMAN: Nothing.

21 JUDGE PEARSON: Thank you.

22 MR. DORFMAN: Thanks.

23 JUDGE PEARSON: Okay. TV-143268, Robert Rindfuss
24 d/b/a Bob the Mover.

25 Okay. Mr. Rindfuss, did you understand the contents

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1 of the order that you signed?

2 MR. RINDFUSS: Yes.

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

5 MR. RINDFUSS: (Nods head.)

6 JUDGE PEARSON: And it looks like in this case,
7 Ms. Banks, there's just one violation for operating a move; is
8 that correct?

9 MS. BANKS: That is correct.

10 JUDGE PEARSON: Okay. And the penalty is for \$2,500,
11 a \$1,500 portion of which will be suspended for two years, and
12 Mr. Rindfuss will pay a \$1,000 penalty; is that correct?

13 MS. BANKS: That is correct.

14 JUDGE PEARSON: Okay. And the suspension period for
15 the remaining 1500, again, is two years from today's date, and
16 the cease and desist does not expire at any point in time.

17 And I see there is a payment schedule beginning with
18 the first payment on November 18 of this month and to be paid in
19 full by June 18th.

20 And they're set out in monthly payments between
21 November and June on the 18th of each month; is that correct?

22 MS. BANKS: That is correct.

23 JUDGE PEARSON: Okay.

24 And you do understand, Mr. Rindfuss, that if you miss
25 a payment, the entire \$2500 becomes due and payable immediately,

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1 and you understand legally what you can and can't do as well,
2 correct?

3 MR. RINDFUSS: (Nods head.)

4 JUDGE PEARSON: Okay. Do you have any additional
5 questions?

6 MR. RINDFUSS: No.

7 JUDGE PEARSON: Okay. I will sign this, and you're
8 free to go.

9 MR. RINDFUSS: Okay. Thanks.

10 JUDGE PEARSON: Thank you for coming down.

11 Okay. TV-143269, Travis Molenda d/b/a Major Movers
12 LLC.

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

15 MR. MOLEND: I did.

16 JUDGE PEARSON: Okay. And you and Ms. Banks have
17 both signed the order.

18 And just for the record, Ms. Banks, it looks like
19 there are two violations: one for offering to move and one for
20 advertising?

21 MS. BANKS: That is correct.

22 JUDGE PEARSON: Okay. And the \$5,000 penalty will be
23 imposed, a \$4,000 portion will be suspended, and Mr. Molenda
24 will pay a \$1,000 penalty; is that correct?

25 MS. BANKS: That is correct.

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1 JUDGE PEARSON: Okay. And, Mr. Molenda, for the
2 record, you're agreeing to shut down Major Movers until such
3 time that your permit application is approved, correct?

4 MR. MOLEND: Yes. My application should be approved
5 by the end of the day.

6 JUDGE PEARSON: Okay. Great. And the suspension
7 period for the \$4500 is two years from today's date. The cease
8 and desist order is permanent, so if at any time you become
9 unpermitted again, if you let your insurance lapse again and you
10 no longer have a permit, that cease and desist order carries on
11 in perpetuity so at any time Staff can summon you back into
12 Superior Court where you will face very hefty penalties. So --

13 MR. MOLEND: Yes.

14 JUDGE PEARSON: -- I just want you to be aware of
15 that.

16 And it looks like the payment schedule is \$500 today
17 and \$500 no later than December 4th; is that correct?

18 MR. MOLEND: That's correct.

19 JUDGE PEARSON: Okay. And you do understand the
20 entire \$5,000 will become due immediately if you miss that
21 deadline?

22 MR. MOLEND: Yes, I do.

23 JUDGE PEARSON: Okay. Do you have any additional
24 questions?

25 MR. MOLEND: Nope.

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1 JUDGE PEARSON: Okay. I will sign this, and you're
2 free to leave. Thank you for coming today.

3 MR. MOLEND: Thank you.

4 JUDGE PEARSON: All right. And, finally, I have
5 Docket TV-143348, Jay Christensen d/b/a Flat Rate Household
6 Movers.

7 Hi, Mr. Christensen. Did you have a chance to read
8 the order, and do you understand all of its contents?

9 MR. CHRISTENSEN: Yes.

10 JUDGE PEARSON: Okay. And it looks like you and
11 Ms. Banks have both signed it.

12 And, Ms. Banks, again, you're recommending two
13 violations: one for offering to move and one for advertising,
14 correct?

15 MS. BANKS: That is correct.

16 JUDGE PEARSON: And the \$5,000 penalty will be
17 imposed, a \$4500 portion will be suspended, and Mr. Christensen
18 will pay a \$500 portion of the penalty?

19 MS. BANKS: That is correct.

20 JUDGE PEARSON: And it looks like we have a payment
21 schedule.

22 You made a \$40 payment today?

23 MR. CHRISTENSEN: Mm-hm.

24 JUDGE PEARSON: And then you'll make a \$153 payment
25 by December 4th, a \$153 payment by January 4th, and a \$154

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1 payment by February 4, 2015; is that correct?

2 MR. CHRISTENSEN: Yes.

3 JUDGE PEARSON: Okay. And just for the record, you
4 are agreeing to shut down Flat Rate Household Movers until the
5 time that you get a permit, correct?

6 MR. CHRISTENSEN: Yes, the transportation portion of
7 it.

8 JUDGE PEARSON: You'll just do labor-only?

9 MR. CHRISTENSEN: Yes.

10 JUDGE PEARSON: Okay. And are you clear on what you
11 can and can't do?

12 MR. CHRISTENSEN: Yep.

13 JUDGE PEARSON: And you know that Ms. Banks is
14 available if you have any question at any time?

15 MR. CHRISTENSEN: She gave me all the resources,
16 so...

17 JUDGE PEARSON: Okay. So the suspension period for
18 the \$4500 is two years. The cease and desist order is
19 permanent, so if within that two years Staff catches you
20 advertising or offering to move, the \$5,000 will become due and
21 payable. If beyond that two years they catch you, then you'll
22 be summoned to Superior Court and face additional penalties.

23 So do you have any additional questions?

24 MR. CHRISTENSEN: No, ma'am.

25 JUDGE PEARSON: Okay. Then I will sign this order,

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1 and you are free to go.

2 MR. CHRISTENSEN: Thank you.

3 JUDGE PEARSON: Thank you.

4 Okay. That concludes the list of companies that are
5 present in the hearing room today. It is now 12:22, and I will
6 call the companies that haven't appeared and have had no contact
7 with the Commission to make sure they are not present.

8 Docket TV-143184, Christian Brothers Moving.

9 There's no one in the hearing room, and I don't hear
10 anyone on the bridge line, so I'm going to presume that they are
11 not here today.

12 Okay. Ms. Banks, did you have contact with Christian
13 Brothers Moving or Daniel Picon today?

14 MS. BANKS: No, I have not.

15 JUDGE PEARSON: Or at any time during this
16 proceeding?

17 MS. BANKS: No, I have not.

18 JUDGE PEARSON: Okay. So I've had a chance to review
19 the docket. The Commission's evidence that there was an offer
20 for an intrastate move in Washington. There was advertising
21 that meets the definition in RCW 81.80.075, engaging in business
22 as a moving company without a household goods permit.

23 So what is the Commission's motion at this point with
24 respect to Christian Brothers Moving?

25 MS. BANKS: We would like to classify the respondent

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1 as a household goods carrier, order the respondent to cease and
2 desist and impose penalties, and make that a default order.

3 JUDGE PEARSON: Okay. So it would be a default order
4 imposing the full \$5,000 penalty for the two alleged violations,
5 correct?

6 MS. BANKS: That is correct.

7 JUDGE PEARSON: So let's walk through the evidence
8 that you have for the company with respect to the violations and
9 when and how service was accomplished.

10 MS. BANKS: So on both June 9, 2014 and August 13,
11 2014, I obtained move offers from Christian Brothers, or aka
12 P.A.M.S. aka Power Moving aka All Right Moving. The June 9th
13 offer was by telephone. The August 13th offer was by e-mail.

14 As of today, November 4th, they still have 31
15 advertisements on Craigslist.org.

16 In addition, we did serve Mr. Picon at his residence
17 on September 27, 2014.

18 JUDGE PEARSON: And you served him personally?

19 MS. BANKS: Yes.

20 JUDGE PEARSON: Okay. And has this company ever
21 applied for a permit with the Commission?

22 MS. BANKS: No, they have not.

23 JUDGE PEARSON: Okay. I will grant the motion for
24 Christian Brothers finding them in default.

25 If you'll pass the order up to me, I can sign it

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1 right now.

2 Okay. And, finally, there's the matter of Cary
3 Johnson and Johnson's Hauling LLC, Docket TV-143300.

4 Mr. Johnson was sent a stipulated order to sign, and
5 I asked him to return it to me before today. I haven't seen it
6 yet, but that does not necessarily mean that it hasn't arrived
7 or that it won't be here later today.

8 What is Staff's position on Johnson's Hauling LLC?

9 MS. BANKS: It is Staff's position that the company
10 has obtained -- we understand that the company has obtained a
11 temporary permit, as they cannot obtain a permanent authority
12 with any outstanding penalties. And the company has provided
13 assurances that the order has been mailed, so at this time,
14 Staff does not recommend a default penalty.

15 JUDGE PEARSON: Okay. And I agree. I spoke to
16 Mr. Johnson several times yesterday and this morning, and I
17 believe that he has made a good-faith effort to get the order
18 returned in a timely matter but that it may have been held up at
19 Consolidated Mail.

20 So is there any other business that we need to take
21 care of today?

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

23 JUDGE PEARSON: Okay. Thank you.

24 Then we are adjourned.

25 (Proceeding adjourned at 12:26 p.m.)

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C E R T I F I C A T E

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3 STATE OF WASHINGTON)

) ss

4 COUNTY OF KING)

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

10 IN WITNESS WHEREOF, I have hereunto set my hand and seal
11 this 14th day of November, 2014.

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14

SHELBY KAY K. FUKUSHIMA, CCR

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16 My commission expires:

June 29, 2017

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