

BEFORE THE WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

OLYMPIA, WASHINGTON; APRIL 18, 2016
9:01 A.M.
--o0o--

In the Matter of Determining the Proper Carrier Classification of, and Complaint for Penalties against:) DOCKET TV-160212
)
NICHOLAS GRIFFIN,)

JUDGE PEARSON: Good morning. We will be on the record.

MOVERS COURT, VOLUME I
Pages 1-41
ADMINISTRATIVE LAW JUDGE RAYNE PEARSON

My name is Rayne Pearson. I'm an administrative law judge for the Washington Utilities and Transportation Commission, and I'm the presiding officer for today's hearing being conducted at the Commission's headquarters in Olympia.

9:01 A.M.
APRIL 18, 2016

Today is Monday, April 18th, 2016, and the time is 9 a.m. So today's hearing involves a total of five household goods carriers, so the first thing we will do is take a roll call to determine who's present.

Washington Utilities and Transportation Commission
1300 South Evergreen Park Drive Southwest
Olympia, Washington 98504-7250

And as you can see, there is a court reporter here today creating a record of today's proceeding, so when I call your name, in addition to raising your hand, please also identify yourself with a verbal response like "present" or "here."

REPORTED BY: RYAN ZIEGLER, CCR #3348

So the first docket is TV-160211, Justin Junell.

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MR. JUNELL: Present, Your Honor.
JUDGE PEARSON: Okay. Is that how you pronounce your last name? Junell?

A P P E A R A N C E S

ADMINISTRATIVE LAW JUDGE:

RAYNE PEARSON
Washington Utilities and Transportation Commission
1300 South Evergreen Park Drive Southwest
P. O. Box 47250
Olympia, Washington 98504
360.664.1136

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION REPRESENTATIVE:

MEGAN BANKS
Compliance Investigator
Consumer Protection and Communications
1300 South Evergreen Park Drive Southwest
P. O. Box 47250
Olympia, Washington 98504
360.664.1111

* * * * *

MR. JUNELL: Junell. Yes.
JUDGE PEARSON: Okay. And the second is Docket TV-160212, Nicholas Griffin.

MR. GRIFFIN: Present.
JUDGE PEARSON: Okay. Thank you. And Docket TV-160213, Creech and Son.
MR. MARTI: Present.
MR. CREECH: Here.

JUDGE PEARSON: Okay. Thank you. And Docket TV-160214, Bilal Willis. Okay. Hearing nothing.

Docket TV-160215, Darryl Horne.
MR. HORNE: Here.

JUDGE PEARSON: Okay. Thank you. So there's just one company who has not entered an appearance today, so that company will be subject to being held in default and having an order entered against them without a chance to address the Commission, so I will take that case up later this morning if Mr. Willis does not appear.

So you are all here because the Commission filed a complaint alleging that each of you is performing or advertising to perform work as a household goods carrier without the required Commission-issued permit, and the purpose of today's proceeding is to explain to you what

Page 5

1 your choices are and then hear from you regarding which
 2 choice you want to pursue, and you can choose one of two
 3 options.
 4 The first is to cease and desist providing,
 5 offering, and advertising un-permitted household goods
 6 services; and if you choose that option, you will need to
 7 demonstrate what you've done to shut down your business
 8 either completely or partially to avoid further enforcement
 9 action by the Commission.
 10 So I will want to hear and see sufficient
 11 proof that you're no longer performing regulated moves; for
 12 example, if you can demonstrate that you've taken down your
 13 website or other online advertisements for your business.
 14 The second option is to ask for a formal
 15 classification hearing to show why you don't need a permit;
 16 and if you choose this option, you're contesting the
 17 allegations in the complaint and claiming not to be
 18 conducting household goods moves at all.
 19 And for that option, we will need to schedule
 20 a formal hearing for a date in the near future with a
 21 deadline two to three weeks from now for both your company
 22 and for Staff to file any exhibits and declare all
 23 witnesses. So we will set that hearing up before we take a
 24 break this morning if -- if that's an option that any of
 25 you wish to pursue.

Page 6

1 So because each of you has a right to be
 2 heard by the Commission, I will call you up individually to
 3 do that, and then Commission Staff will also be heard this
 4 morning. Ms. Megan Banks represents the Commission. She's
 5 seated over here to my right, and she's a Commission
 6 compliance investigator.
 7 So in a few minutes, I'll call each of you
 8 forward to make your choice about how you wish to proceed,
 9 and at that time, I will swear you in so that anything you
 10 tell the Court will be under oath and will be considered
 11 sworn testimony.
 12 And once you're sworn in, I'll ask you if you
 13 understand your options for today's hearing and then ask
 14 you to state on the record which option that you're
 15 choosing. And if there's anything else you want to explain
 16 to me, you can do that at that time.
 17 In each of the complaints, Commission Staff
 18 allege that you are providing household goods moving
 19 services without a permit, and they are also seeking to
 20 have a penalty imposed for those violations.
 21 So Staff will be making a penalty
 22 recommendation as part of any agreed order that gets
 23 entered here today, and Ms. Banks will be explaining the
 24 recommendation, but the Commission will make the final
 25 decision about the amount of the penalty that will be

Page 7

1 imposed.
 2 So if you choose to testify about how you're
 3 getting out of the household goods business, I will allow
 4 you to make a statement explain -- explaining how you plan
 5 to do that or how you've already done it; and depending on
 6 what proof you can provide, you should be able to reach an
 7 agreement with Staff resolving the matter with the
 8 Commission completely, and you can speak to Ms. Banks about
 9 that during the recess.
 10 And if you choose to contest the allegations,
 11 like I said, we will schedule another hearing, so it would
 12 help to know your schedule for the next month or so when
 13 you come up here and be ready to -- to set that time.
 14 So after I hear from each of you, we'll take
 15 a break, and that will provide Commission Staff time to
 16 meet with each of you and prepare a final disposition for
 17 your case.
 18 And for most of you, I believe that Ms. Banks
 19 will be presenting agreed orders, and that will essentially
 20 say that you agree that you were operating without a
 21 permit, that you advertised without a permit, and that you
 22 agree to stop operating and -- and advertising until you
 23 get a permit should you decide to apply for one.
 24 Once you're satisfied that you understand all
 25 the terms of the order, you and Ms. Banks will both sign

Page 8

1 it, and it will most likely include an agreement about the
 2 amount of penalty to be imposed as well.
 3 So, Ms. Banks, let me just swear you in at
 4 this point so you're sworn in for the entire proceeding.
 5 If you'd stand and raise your right hand.
 6
 7 MEGAN BANKS, witness herein, having been
 8 first duly sworn on oath,
 9 was examined and testified
 10 as follows:
 11
 12 JUDGE PEARSON: Okay. Thank you.
 13 Do you want to make any general statements on
 14 behalf of Commission Staff before we get started?
 15 MS. BANKS: Not at this time.
 16 JUDGE PEARSON: Okay. So I will begin by
 17 calling you up in the order that I read them off, in docket
 18 order, and after hearing from each of you, then we can take
 19 up the company that did not appear if he hasn't appeared at
 20 that time.
 21 So the first is Docket TV-160211, Justin
 22 Junell. If you could come forward?
 23 MR. JUNELL: Is she allowed to come up here
 24 with me or -- it's my mom, if --
 25 JUDGE PEARSON: If you -- if you want her up

Page 9

1 here, but --

2 MR. JUNELL: I can -- okay.

3 JUDGE PEARSON: -- I assume you'll be doing

4 all the speaking --

5 MR. JUNELL: Okay.

6 JUDGE PEARSON: -- on your own behalf.

7 So if you could turn on the microphone. So

8 when the red light is on, that means the microphone is on.

9 MR. JUNELL: It's on. Yeah.

10 JUDGE PEARSON: Okay. If you could just

11 raise your right hand.

12

13 JUSTIN S. JUNELL, witness herein, having been

14 first duly sworn on oath,

15 was examined and testified

16 as follows:

17

18 JUDGE PEARSON: Okay. You may be seated.

19 And if you could state your first and last name for the

20 record and spell your last name for the court reporter.

21 MR. JUNELL: Justin S. Junell, J-U-N-E-L-L.

22 JUDGE PEARSON: Okay. And what's your

23 position with the company?

24 MR. JUNELL: I am the owner.

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

Page 10

1 proceed this morning?

2 MR. JUNELL: So that's -- I have a -- just a

3 couple questions, I guess.

4 JUDGE PEARSON: Sure.

5 MR. JUNELL: As far as the website and then

6 my Facebook page, it doesn't really have anything on there

7 to do with household goods, you know. It's just a

8 labor-only.

9 JUDGE PEARSON: Okay.

10 MR. JUNELL: So what I'm saying is, do I --

11 do I just choose Option B then to furthermore, I guess, in

12 a hearing -- I mean furthermore down the line to explain

13 that?

14 JUDGE PEARSON: Well, I guess that's up to

15 you. Are you contesting that you ever offered to perform a

16 full service household goods move? Are you denying that?

17 MR. JUNELL: Yeah. That's what I'm saying is

18 that I'm not a household goods, I'm a labor- -- labor-only.

19 That's, you know, what I'm getting at. So -- because I --

20 you know, I don't own a truck.

21 I want to get the permit, you know,

22 eventually, but I'm just so small that I don't own a truck

23 or a trailer, anything like that, to get the permit. So,

24 like, I wouldn't -- I want to get the permit, but I just

25 don't have anything to get the permit. You know what I

Page 11

1 mean? So --

2 JUDGE PEARSON: I do, yes. I understand

3 that. I think that you could discuss these options with --

4 with Ms. Banks during the recess, but part of the

5 Commission's complaint against you was that you made an

6 offer to perform the move. You wouldn't be here today if

7 you hadn't made an offer to perform a move that included a

8 truck. So if you --

9 MR. JUNELL: Gotcha.

10 JUDGE PEARSON: -- want to contest that, it

11 will be Staff's evidence against whatever evidence --

12 MR. JUNELL: Against me. Yeah.

13 JUDGE PEARSON: -- you might have, so just

14 bear that in mind if you -- if you decide that you want to

15 actually schedule a hearing to claim that that never

16 happened.

17 MR. JUNELL: Yeah. But, I mean, that's --

18 that's essentially what it is. Yeah. Because, I mean, I

19 don't -- you know, I don't have any trucks or anything like

20 that, so I -- I can't get the household goods move permit,

21 you know?

22 So I just have to go that route to explain,

23 you know, my end of -- you know, my evidence and everything

24 like that furthermore and then, I guess, kind of go from

25 there. You know what I mean?

Page 12

1 JUDGE PEARSON: Yes. And I understand what

2 you're saying; however, we routinely have companies in here

3 who, despite not having trucks, still offer to perform

4 moves, because they will rent their own truck and provide

5 it for the customer, so --

6 MR. JUNELL: Yeah. Yeah. No. No, I -- no,

7 I -- I understand. That's a --

8 JUDGE PEARSON: Right. So this is -- either

9 option would work for you, because it sounds like you

10 understand the law now and that --

11 MR. JUNELL: Yeah, I do.

12 JUDGE PEARSON: -- you would agree to cease

13 and desist until such time that you get a truck and are

14 ready to get a permit.

15 MR. JUNELL: Yeah. And that -- oh, sorry.

16 JUDGE PEARSON: Go ahead.

17 MR. JUNELL: That's just -- yeah. That's the

18 thing is because, like, what I advertise or -- you know,

19 on, like, my Facebook page or my website, after I talked to

20 Ms. Banks, like, a year ago after I learned all the rules

21 and everything, because I'm just so new into the business

22 that I -- as of today and from a year ago, nothing has

23 changed.

24 JUDGE PEARSON: Okay.

25 MR. JUNELL: So -- and when I discussed, you

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1 know, "Hey, is everything on my website and Facebook page
 2 okay, you know, as far as me being a labor-only?" You
 3 know, so I just don't -- I don't know what I could show you
 4 to show that I've taken my -- you know, my labor-only, you
 5 know, moving company, like --
 6 JUDGE PEARSON: Well --
 7 MR. JUNELL: -- off, you know.
 8 JUDGE PEARSON: -- you can actually show that
 9 to Ms. Banks during the break. I would recommend -- rather
 10 than us scheduling a hearing at this point in time, I would
 11 recommend that you have a chance to speak with Ms. Banks --
 12 MR. JUNELL: Before --
 13 JUDGE PEARSON: -- about what your options
 14 are before you make that decision.
 15 MR. JUNELL: Okay.
 16 JUDGE PEARSON: Because, again, you would be
 17 alleging and trying to prove that the evidence that Staff
 18 has put forward is false, and that would be a pretty large
 19 burden for you to overcome --
 20 MR. JUNELL: Yeah. No.
 21 JUDGE PEARSON: -- if she has documentation,
 22 you know, of -- of a move offer --
 23 MR. JUNELL: Yeah.
 24 JUDGE PEARSON: -- and previous
 25 advertisements.

Page 14

1 So I would recommend that you at least speak
 2 with her before you make your final decision.
 3 MR. JUNELL: And that's okay to do --
 4 JUDGE PEARSON: Absolutely.
 5 MR. JUNELL: Okay.
 6 JUDGE PEARSON: During the break.
 7 MR. JUNELL: Okay.
 8 JUDGE PEARSON: Yes.
 9 MR. JUNELL: Okay. Perfect. Perfect.
 10 Perfect.
 11 JUDGE PEARSON: Okay. So, Ms. Banks, given
 12 that he hasn't made his mind up, you probably don't want to
 13 make a recommendation at this point. Do you have anything
 14 that you want to say with respect to this case?
 15 MS. BANKS: Just that I'd be happy to speak
 16 with you at the break about --
 17 MR. JUNELL: Okay.
 18 MS. BANKS: -- everything.
 19 MR. JUNELL: Perfect.
 20 JUDGE PEARSON: Okay.
 21 MR. JUNELL: Awesome. Thank you.
 22 JUDGE PEARSON: That sounds good. Okay.
 23 Well, you can go ahead and take a seat, and then when the
 24 break --
 25 MR. JUNELL: Then we can kind of go --

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1 JUDGE PEARSON: Exactly.
 2 MR. JUNELL: Okay.
 3 JUDGE PEARSON: Then you'll be called to --
 4 to speak with Ms. Banks. Okay. Do you have any other
 5 questions?
 6 MR. JUNELL: No other questions.
 7 JUDGE PEARSON: Okay.
 8 MR. JUNELL: Thank you.
 9 JUDGE PEARSON: Thank you.
 10 (Mr. Willis joined the proceedings.)
 11 JUDGE PEARSON: All right. Someone else just
 12 came into the room, so I will just check to see, are you
 13 Mr. Willis?
 14 MR. WILLIS: (Nods head.)
 15 JUDGE PEARSON: Okay. So that's
 16 Docket TV-160214.
 17 Bilal? Is that how you say your first name?
 18 MR. WILLIS: Yes, ma'am.
 19 JUDGE PEARSON: Okay. All right. So I will
 20 call you up here shortly and kind of run through everything
 21 that you missed this morning just to explain what your
 22 options are. Okay?
 23 MR. WILLIS: (Nods head.)
 24 JUDGE PEARSON: But right now I will call
 25 Docket TV-160212, Nicholas Griffin.

Page 16

1 MR. GRIFFIN: Good morning, Your Honor.
 2 JUDGE PEARSON: Good morning. If you could
 3 just stand and raise your right hand.
 4 MR. GRIFFIN: Oh, yeah.
 5
 6 NICHOLAS GRIFFIN, 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. And if you could state your first and last name
 13 and spell your last name for the court reporter.
 14 MR. GRIFFIN: Yeah. Nicholas Griffin,
 15 G-R-I-F-F-I-N.
 16 JUDGE PEARSON: Okay. And what is your
 17 position with the company?
 18 MR. GRIFFIN: Owner.
 19 JUDGE PEARSON: Okay. And how do you want to
 20 proceed this morning?
 21 MR. GRIFFIN: I'm going to talk to Ms. Banks
 22 with --
 23 JUDGE PEARSON: Okay.
 24 MR. GRIFFIN: -- Option A.
 25 JUDGE PEARSON: Okay.

Page 17

1 MR. GRIFFIN: And we'll just go from -- we'll
 2 go -- and I've spoken with her on the phone and brought
 3 documentation of stuff I've deleted and
 4 dah-dah-dah-dah-dah-dah.
 5 JUDGE PEARSON: Okay. Great.
 6 MR. GRIFFIN: But basically, it's Craigslist
 7 ads and dah-dah-dah, so. Anyways, I am at fault at that,
 8 so I will speak with Ms. Banks and go from there.
 9 JUDGE PEARSON: Okay. That sounds good.
 10 Ms. Banks, do you have a recommendation with
 11 regard to a cease and desist order?
 12 MS. BANKS: Staff would recommend and agree
 13 with a cease and desist order.
 14 JUDGE PEARSON: Okay. Great. Okay.
 15 MR. GRIFFIN: Great.
 16 JUDGE PEARSON: You can go ahead and take a
 17 seat.
 18 MR. GRIFFIN: Thanks.
 19 JUDGE PEARSON: All right. TV-160213, Creech
 20 and Son. Okay. So why don't you both just identify
 21 yourselves before I swear you in?
 22 MR. CREECH: Okay.
 23 MR. MARTI: I -- I'm Tristan Marti,
 24 M-A-R-T-I.
 25 JUDGE PEARSON: Can you sit down and talk in

Page 18

1 the microphone?
 2 MR. MARTI: Oh.
 3 JUDGE PEARSON: If you want to turn your
 4 microphone on.
 5 MR. MARTI: Is mine on? The light's not on.
 6 JUDGE PEARSON: Sir?
 7 Is -- is he going to be speaking?
 8 MR. MARTI: Yeah. Although --
 9 MR. CREECH: Sure.
 10 MR. MARTI: -- he's -- we'll get to that.
 11 JUDGE PEARSON: Okay.
 12 MR. MARTI: Is this even on?
 13 JUDGE PEARSON: I think that's on, yes.
 14 Okay. So do you want to go ahead and --
 15 MR. CREECH: You just push this here, or
 16 what?
 17 MR. MARTI: Okay.
 18 MR. CREECH: How do you turn it on? Or is it
 19 on?
 20 JUDGE PEARSON: If the red light is on, then
 21 the microphone --
 22 MR. CREECH: Oh, it is --
 23 JUDGE PEARSON: -- is on.
 24 MR. CREECH: -- on. Okay. Very good.
 25 JUDGE PEARSON: Okay.

Page 19

1 MR. CREECH: All right.
 2 JUDGE PEARSON: So would you both state your
 3 first and last names for the record and spell your last
 4 name for the court reporter.
 5 MR. MARTI: Tristan Marti, M-A-R-T-I.
 6 JUDGE PEARSON: Okay.
 7 MR. CREECH: Paul Creech, C-R-E-E-C-H.
 8 JUDGE PEARSON: Okay. And are both of you
 9 going to give testimony today?
 10 MR. MARTI: Mostly me.
 11 JUDGE PEARSON: Okay. So why don't I go
 12 ahead and just swear you in? If you could raise your right
 13 hand.
 14
 15 TRISTAN MARTI, witness herein, having been
 16 first duly sworn on oath,
 17 was examined and testified
 18 as follows:
 19
 20 JUDGE PEARSON: Okay. Go ahead and be
 21 seated. And what is your position with the company?
 22 MR. MARTI: The owner.
 23 JUDGE PEARSON: You're the owner. Okay.
 24 And how do you want to proceed this morning?
 25 MR. MARTI: Well, I'm actually -- I was

Page 20

1 hoping to have it by today. I'm trying to get the permit.
 2 JUDGE PEARSON: Oh, okay.
 3 MR. MARTI: There's kind of a holdup right
 4 now because L&I says I don't have to have an L&I account,
 5 but UTC is telling me I do need to have an L&I account.
 6 JUDGE PEARSON: Okay.
 7 MR. MARTI: And that's --
 8 JUDGE PEARSON: Okay. So --
 9 MR. MARTI: -- kind of held me up.
 10 JUDGE PEARSON: So it sounds like you will
 11 most likely choose Option A and go with the cease and
 12 desist order which just says that you won't operate until
 13 you have a permit.
 14 MR. MARTI: Yes.
 15 JUDGE PEARSON: It doesn't say that you can't
 16 get a permit, so --
 17 MR. MARTI: Yeah.
 18 JUDGE PEARSON: -- does that sound --
 19 MR. MARTI: Yes.
 20 JUDGE PEARSON: -- correct?
 21 MR. MARTI: My website's been taken down.
 22 JUDGE PEARSON: Okay.
 23 Okay. and Staff, do you have a recommendation
 24 regarding a cease and desist order for this company?
 25 MS. BANKS: Staff would agree with a cease

Page 21

1 and desist order.

2 JUDGE PEARSON: Okay. Great. All right.

3 Did you have any other questions?

4 MR. MARTI: Well, just to kind of set the

5 record is, she actually put Paul down as one of the owners,

6 but --

7 MR. CREECH: I'm a --

8 MR. MARTI: -- I'm a sole owner.

9 MR. CREECH: It's his business.

10 JUDGE PEARSON: Okay. So that's something --

11 MR. CREECH: Yeah.

12 JUDGE PEARSON: -- you could work out with --

13 MR. CREECH: Yeah.

14 JUDGE PEARSON: -- Ms. Banks, I think, at the

15 break.

16 MR. MARTI: Yeah.

17 JUDGE PEARSON: Okay?

18 MR. MARTI: Okay.

19 JUDGE PEARSON: Thank you.

20 MR. CREECH: We're done?

21 JUDGE PEARSON: Yes.

22 MR. CREECH: Thank you very much. Have a

23 good day.

24 JUDGE PEARSON: Okay. Docket TV-160214,

25 Bilal Willis. Good morning, Mr. Willis. If you could just

Page 22

1 stand and raise your right hand, I'll swear you in.

2 MR. WILLIS: Stand?

3 JUDGE PEARSON: Yes.

4

5 BILAL WILLIS, witness herein, having been

6 first duly sworn on oath,

7 was examined and testified

8 as follows:

9

10 JUDGE PEARSON: Okay. Go ahead and be

11 seated. And if you could state your first and last name

12 for the record and spell your last name for the court

13 reporter.

14 MR. WILLIS: Bilal Willis, W-I-L-L-I-S.

15 JUDGE PEARSON: Okay. And just to kind of

16 give you an overview of what we talked about this morning,

17 you're here today because the Commission filed a complaint

18 against you alleging that you are performing and

19 advertising to perform household goods moves without a

20 permit from the Commission.

21 And so I don't know if you had an opportunity

22 to speak with Ms. Banks before coming here today?

23 MR. WILLIS: I did.

24 JUDGE PEARSON: Yes. Okay.

25 MR. WILLIS: Yeah.

Page 23

1 JUDGE PEARSON: So she explained to you that

2 you have two choices today. You can either agree to cease

3 and desist providing and advertising and offering to

4 provide moving services until you apply for a permit, if

5 you decide to do so, and that would involve showing me

6 documentation that you have taken down any ads or a website

7 that advertises moving services.

8 Or you can ask for a formal classification

9 hearing, which means you would be contesting the

10 allegations that you're performing or advertising household

11 goods moves and that you would want a hearing to

12 essentially prove that you're not conducting household

13 goods moves.

14 So right now, I just want to hear from you

15 which option you want to pursue this morning, and then we

16 will take a recess, and each of you will have an

17 opportunity to speak with Ms. Banks about which option you

18 wish to choose.

19 And if you can reach an agreed order, you

20 know, to cease and desist providing services and then also

21 an agreement on the penalty amount, then we would come back

22 and -- and enter that order after the break.

23 So do you know which option you would like to

24 pursue?

25 MR. WILLIS: I think at this time I'd like --

Page 24

1 is there a way to redo this hearing? Because I had

2 everything that I needed to submit for the permit prior to

3 coming here, but I have some other legal issues that I

4 can't really discuss --

5 JUDGE PEARSON: Okay.

6 MR. WILLIS: -- that precludes me from having

7 any of that paperwork.

8 JUDGE PEARSON: Okay. So basically the best

9 option in that case would probably be the agreement to

10 cease and desist, because that's not saying that you can't

11 get a permit at some point in the future; it's just saying

12 that you understand that, until you have that permit, you

13 can't advertise or offer to provide moves.

14 MR. WILLIS: Yeah. Yeah.

15 JUDGE PEARSON: Okay. Does that sound

16 like --

17 MR. WILLIS: That's fine.

18 JUDGE PEARSON: Okay. That sounds good. Do

19 you have any questions, then, for me?

20 MR. WILLIS: No.

21 JUDGE PEARSON: Okay. Ms. Banks, do you have

22 a recommendation regarding a cease and desist order?

23 MS. BANKS: Staff would recommend and agree

24 with a cease and desist order.

25 JUDGE PEARSON: Okay. Thank you. All right.

Page 25

1 You can go ahead and take a seat until the recess, and then
 2 you'll get called back to speak with Staff.
 3 MR. WILLIS: All right.
 4 JUDGE PEARSON: Okay?
 5 Docket TV-160215, Darryl Horne. Good
 6 morning, Mr. Horne.
 7 MR. HORNE: Good morning.
 8 JUDGE PEARSON: If you could raise your right
 9 hand and stay standing.
 10
 11 DARRYL HORNE, witness herein, having been
 12 first duly sworn on oath,
 13 was examined and testified
 14 as follows:
 15
 16 JUDGE PEARSON: Okay. Go ahead and have a
 17 seat. And if you could state your first and last name for
 18 the record and spell your last name for the court reporter.
 19 MR. HORNE: Darryl Horne, H-O-R-N-E.
 20 JUDGE PEARSON: Okay. And what is your
 21 position with the company?
 22 MR. HORNE: Owner.
 23 JUDGE PEARSON: Okay. And how do you want to
 24 proceed this morning?
 25 MR. HORNE: Cease and desist. I -- I --

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1 JUDGE PEARSON: Okay.
 2 MR. HORNE: I couldn't find a job. I just
 3 bought a truck, pickup truck, and just started hauling. I
 4 didn't know I was creating a major crime or anything, so.
 5 JUDGE PEARSON: Okay. Okay.
 6 Then, Staff, do you have a recommendation
 7 regarding a cease and desist order for Mr. Horne?
 8 MS. BANKS: Staff would recommend and agree
 9 with a cease and desist order.
 10 JUDGE PEARSON: Okay. Great.
 11 Okay. So at this point, I think, unless
 12 there's anything further, we can go ahead and take a recess
 13 at 9:20 a.m.
 14 As soon as you have a chance to review the
 15 cease and desist orders and the language with Staff,
 16 there'll be some negotiation about the penalty amount. And
 17 typically, a portion of the penalty is suspended, which is
 18 meant to deter you from continuing to offer services
 19 without a permit.
 20 So you would pay a portion today, and the
 21 remaining portion of the \$5,000 penalty would not become
 22 due and payable unless you violated the order.
 23 So hopefully within the next 60 to
 24 90 minutes, we'll have all of the orders prepared, and then
 25 we will call each of you back up and make sure that you

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1 understand what you're signing. I will sign the order on
 2 the record today, and you will leave here with a copy of
 3 it.
 4 So anything else before we take a break?
 5 MS. BANKS: Nothing.
 6 MR. HORNE: Excuse me.
 7 JUDGE PEARSON: Yes?
 8 MR. HORNE: Are you saying I'm being fined
 9 \$5,000?
 10 JUDGE PEARSON: Well, the penalty that Staff
 11 has recommended at this point is \$5,000, but you'll have an
 12 opportunity to meet with Ms. Banks about negotiating that
 13 penalty substantially lower than what Staff is asking for.
 14 So what we typically do is suspend -- the
 15 majority of the penalty would be suspended, so it would be
 16 something that hangs out there to keep you from engaging in
 17 this business again. It would be a very small portion,
 18 typically, that's paid today.
 19 So I don't know if you had a chance to talk
 20 to Ms. Banks about that ahead of time, but Staff typically
 21 recommends that a \$4,500 portion of the penalty be
 22 suspended and only a \$500 portion be paid.
 23 MR. HORNE: That's still a lot to me.
 24 JUDGE PEARSON: Well, you can also discuss
 25 payment plan options with Staff, because we typically offer

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1 that to people as well.
 2 So any other questions before we go off the
 3 record to take a break?
 4 Okay. Then we are at recess and, Ms. Banks,
 5 you can call me in my office when you're ready.
 6 Thank you.
 7 (Off the record from 9:24 a.m. to 11:27 a.m.)
 8 JUDGE PEARSON: Okay. We will be back on the
 9 record at 11:25 this morning. I understand that the cease
 10 and desist orders have been explained and presented to each
 11 of you, so I will call you back up one at a time in the
 12 order that we went in before.
 13 So first is TV-160211, Justin Junell.
 14 MS. BANKS: May I please approach the Bench?
 15 JUDGE PEARSON: Sure.
 16 Okay. So you can have a seat. So,
 17 Mr. Junell, did you have a chance to read through the
 18 order?
 19 MR. JUNELL: Yes, I did. Thank you.
 20 JUDGE PEARSON: Okay. And you understand all
 21 five pages prior to the signature page?
 22 MR. JUNELL: Yes, Your Honor.
 23 JUDGE PEARSON: Okay. And it looks like you
 24 and Ms. Banks have both signed it.
 25 MR. JUNELL: Yes.

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1 JUDGE PEARSON: And just for the record, it
 2 looks like, in this case, Ms. Banks, you've recommended
 3 that the Commission find two violations, one for offering a
 4 move and one for advertising; is that correct?
 5 MS. BANKS: We actually changed it so that we
 6 only found one violation, and that was for offering a move.
 7 JUDGE PEARSON: Oh, I see. Okay. So the
 8 penalty will be for 2,500 instead of 5,000 --
 9 MS. BANKS: That's correct.
 10 JUDGE PEARSON: -- for the recommendation.
 11 Okay. And a \$2,250 portion will be suspended for a period
 12 of two years?
 13 MS. BANKS: That is correct.
 14 JUDGE PEARSON: Okay. And it looks like you
 15 paid the unsuspended portion of the \$250 today already?
 16 MR. JUNELL: Yep.
 17 JUDGE PEARSON: Okay. Okay. So is there
 18 any -- any questions about what we talked about earlier?
 19 MR. JUNELL: No questions.
 20 JUDGE PEARSON: Okay. So you are agreeing to
 21 shut down operations or perform labor-only moves --
 22 MR. JUNELL: Correct.
 23 JUDGE PEARSON: -- unless you get a permit --
 24 MR. JUNELL: Yes, Your Honor.
 25 JUDGE PEARSON: -- in the future?

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1 MR. JUNELL: Yes.
 2 JUDGE PEARSON: Okay. And you understand how
 3 the suspension works, which is it's effective for two years
 4 from today's date, which means that if Staff finds that
 5 you're advertising to conduct moves that involve a truck or
 6 that otherwise require a permit, that that remaining \$2250
 7 would become immediately due and payable?
 8 MR. JUNELL: Yes, Your Honor.
 9 JUDGE PEARSON: Okay. And the order to cease
 10 and desist is permanent; that portion doesn't expire, so --
 11 MR. JUNELL: Yeah.
 12 JUDGE PEARSON: -- if sometime after the
 13 two-year period Staff were to find that you were conducting
 14 moves without a permit, they could bring you back in and
 15 ask for -- or they can actually go straight to superior
 16 court and seek enforcement of the order --
 17 MR. JUNELL: Okay.
 18 JUDGE PEARSON: -- and substantially higher
 19 penalties at that time, so just want to make sure
 20 you understand --
 21 MR. JUNELL: Yes. Completely understand
 22 this.
 23 JUDGE PEARSON: -- everything. Okay.
 24 And since you've already paid the penalty
 25 today, we don't have to worry about that.

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1 Do you have any additional questions? You
 2 understand legally what you can and can't do --
 3 MR. JUNELL: Yep. That's correct.
 4 JUDGE PEARSON: -- at this time? Okay.
 5 MR. JUNELL: And I also -- I mean, any time I
 6 want to try and get a permit down the road, that's okay to
 7 do, though; correct?
 8 JUDGE PEARSON: Yes.
 9 MR. JUNELL: Okay. Yeah. No other
 10 questions.
 11 JUDGE PEARSON: Okay. Great. Then I will
 12 sign this and hand it back to Ms. Banks.
 13 MR. JUNELL: Awesome.
 14 JUDGE PEARSON: Thank you for coming today.
 15 You're free to leave.
 16 MR. JUNELL: All right. Thank you, Your
 17 Honor.
 18 JUDGE PEARSON: Oh, that's right. She's
 19 going to get you a copy of the order, so --
 20 MR. JUNELL: Okay. Perfect.
 21 JUDGE PEARSON: -- wait for that --
 22 MR. JUNELL: Okay.
 23 JUDGE PEARSON: -- and then -- and then
 24 you're free to go at that point in time.
 25 MR. JUNELL: Thank you, Your Honor.

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1 JUDGE PEARSON: Okay. And next is TV-160212,
 2 Nicholas Griffin.
 3 And, Mr. Griffin, you had a chance to look
 4 over the order, and you understand --
 5 MR. GRIFFIN: Yes, I do.
 6 JUDGE PEARSON: -- what you're signing today?
 7 Okay.
 8 So this does look like Staff has recommended
 9 two violations here, one for offering and one for
 10 advertising; is that correct?
 11 MS. BANKS: That is correct.
 12 JUDGE PEARSON: Okay. And it looks like you
 13 both signed the order and have agreed to a payment plan.
 14 You made a \$100 payment today?
 15 MR. GRIFFIN: Mm-hmm.
 16 JUDGE PEARSON: Okay. And you do understand
 17 that if you fail to --
 18 MR. GRIFFIN: That's get paid. Trust me --
 19 JUDGE PEARSON: -- make those payments --
 20 MR. GRIFFIN: -- it'll get paid.
 21 JUDGE PEARSON: Okay.
 22 MR. GRIFFIN: I -- I pay my bills.
 23 JUDGE PEARSON: Okay. And if -- if for some
 24 reason your payment's going to be late, just contact Staff.
 25 It's always best to let them know if something comes up so

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1 that you don't face the possibility of the suspended
 2 penalty, because --
 3 MR. GRIFFIN: Yeah. That would hurt.
 4 JUDGE PEARSON: Okay. All right. Then I
 5 will sign this. Do you have any questions about anything
 6 today?
 7 MR. GRIFFIN: I do have one question --
 8 JUDGE PEARSON: Okay.
 9 MR. GRIFFIN: -- while we're on the record.
 10 Now that my advertising -- now that my advertising is back
 11 without moves involved and advertising against both, due to
 12 that advertising, can the Commission still come back and do
 13 fake moves or do off that ad, come in and ask on my -- on
 14 my e-mail or on my texting to try to basically entrap me
 15 again?
 16 JUDGE PEARSON: Well, it's not entrapment if
 17 it's something that you're willing to do, so there's
 18 nothing that prohibits the Commission from asking you at a
 19 point later in time if you are willing and able to provide
 20 a move with a truck. So your best bet is to --
 21 MR. GRIFFIN: Right. But if my --
 22 JUDGE PEARSON: -- not offer to provide those
 23 services.
 24 MR. GRIFFIN: If my -- if my ads don't say --
 25 JUDGE PEARSON: Whether or not your

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1 advertisements --
 2 MR. GRIFFIN: -- moving involved --
 3 JUDGE PEARSON: -- say that there are, there
 4 have been, historically, a number of companies who changed
 5 their advertising but still offer full service moves
 6 because they think that's a way to get around our
 7 regulations, so --
 8 MR. GRIFFIN: Okay.
 9 JUDGE PEARSON: -- my recommendation to
 10 you is just --
 11 MR. GRIFFIN: Just don't do it.
 12 JUDGE PEARSON: -- don't offer to do those
 13 moves --
 14 MR. GRIFFIN: And I wouldn't.
 15 JUDGE PEARSON: -- no matter what.
 16 MR. GRIFFIN: I got it. Okay.
 17 JUDGE PEARSON: Okay?
 18 MR. GRIFFIN: Yeah.
 19 JUDGE PEARSON: All right. I'll hand this
 20 back to Ms. Banks, and we'll get a copy for you, and then
 21 you'll be free to go --
 22 MR. GRIFFIN: Thanks.
 23 JUDGE PEARSON: -- after you get that.
 24 MR. GRIFFIN: Okay.
 25 JUDGE PEARSON: Okay. The next docket is

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1 TV-160213, Creech and Son.
 2 MS. BANKS: May I approach the Bench?
 3 JUDGE PEARSON: Yes. You don't have to ask.
 4 Okay. So, Mr. Marti, it came to my attention
 5 that there was some information discussed during the break
 6 about who is the actual owner and operator of this
 7 company --
 8 MR. MARTI: Yes.
 9 JUDGE PEARSON: -- and that Staff has a
 10 recommendation to make based on that information.
 11 MS. BANKS: Yes. Staff would recommend that
 12 we move to dismiss Paul M. Creech, as both Mr. Marti and
 13 Mr. Creech explained to Staff's satisfaction that
 14 Mr. Creech was not an owner of Creech and Son, LLC.
 15 JUDGE PEARSON: Okay. And you feel
 16 completely satisfied that it was an error to name
 17 Mr. Creech as an owner of the company?
 18 MS. BANKS: Yes, I do.
 19 JUDGE PEARSON: Okay. Then I will grant that
 20 motion and dismiss the complaint against Mr. Creech. Okay?
 21 So this order, then, just relates to you,
 22 Mr. Marti --
 23 MR. MARTI: Yes.
 24 JUDGE PEARSON: -- and you understand
 25 everything that's in the order and what you can and can't

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1 do?
 2 MR. MARTI: Yes.
 3 JUDGE PEARSON: Okay. And I understand
 4 you're in the process of applying for a permit; is that
 5 correct?
 6 MR. MARTI: I am.
 7 JUDGE PEARSON: Okay. And so you know that,
 8 until you receive word from the Commission that you have
 9 temporary authority, you cannot --
 10 MR. MARTI: Yeah. I have to have the
 11 permit --
 12 JUDGE PEARSON: -- advertise --
 13 MR. MARTI: -- in my hand.
 14 JUDGE PEARSON: -- or offer --
 15 MR. MARTI: Of course.
 16 JUDGE PEARSON: -- that's right, to provide
 17 the moves.
 18 And so just for the record, it does look like
 19 there are two violations in this case, one for advertising
 20 and one for offering a move; is that correct, Ms. Banks?
 21 MS. BANKS: Yes. That is correct.
 22 JUDGE PEARSON: Okay. And it looks like you
 23 made a payment today of \$300, and you understand the
 24 payment schedule?
 25 MR. MARTI: Yes.

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1 JUDGE PEARSON: And that if you fail to make
 2 the payments by those dates or contact Staff and let them
 3 know that your payment's going to be late, that you could
 4 face the entire suspended penalty being imposed; right?
 5 MR. MARTI: I do.
 6 JUDGE PEARSON: Okay.
 7 MR. MARTI: Yes.
 8 JUDGE PEARSON: Okay. Then I will sign this.
 9 Thank you very much for coming here today, and I'll give
 10 this to Ms. Banks, and once can you receive your copy, then
 11 you're free to leave.
 12 MR. MARTI: Okay.
 13 JUDGE PEARSON: Okay? Thank you.
 14 Okay. Docket TV-160214, Bilal Willis.
 15 Mr. Willis, did you have --
 16 MR. WILLIS: Yeah.
 17 JUDGE PEARSON: -- an opportunity to read
 18 through the order, and you understand all of the terms and
 19 conditions and what you can and can't do?
 20 MR. WILLIS: Yes, ma'am.
 21 JUDGE PEARSON: Okay. And, Ms. Banks, is
 22 there -- it looks like you -- there are two violations
 23 here, one for offering and one for advertising?
 24 MS. BANKS: That is correct.
 25 JUDGE PEARSON: Okay. And there -- is there

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1 anything you want to explain to me about the penalty?
 2 Because it looks like the first payment won't be made until
 3 May.
 4 MS. BANKS: Yeah. Given Mr. Willis's
 5 other -- other factors, we have delayed the payment until
 6 May to give him an opportunity to make the full payment --
 7 JUDGE PEARSON: Okay.
 8 MS. BANKS: -- in May and June.
 9 JUDGE PEARSON: Well, if Staff is satisfied
 10 with that arrangement, then it's fine with me, so I will go
 11 ahead and sign the order.
 12 And do you have any questions?
 13 MR. WILLIS: No, ma'am.
 14 JUDGE PEARSON: Okay. And you understand
 15 about how the -- the penalty works? That you need to make
 16 those payments or you --
 17 MR. WILLIS: Yeah.
 18 JUDGE PEARSON: -- face imposition of the
 19 full amount?
 20 MR. WILLIS: (Nods head.)
 21 JUDGE PEARSON: Okay. Then I will give this
 22 back to Ms. Banks, and she'll make a copy for you, and then
 23 you'll be free to go after you get that copy.
 24 MR. WILLIS: Thank you.
 25 JUDGE PEARSON: Okay. And finally, we have

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1 Docket TV-160215, Darryl Horne.
 2 Okay. Mr. Horne, did you have the
 3 opportunity to read through the order, and you understand
 4 all of the terms?
 5 MR. HORNE: Yes.
 6 JUDGE PEARSON: And what's required of you?
 7 MR. HORNE: Yes.
 8 JUDGE PEARSON: Okay. And for the record,
 9 Ms. Banks, it looks like there are two violations here, one
 10 for offering a move and one for advertising a move?
 11 MS. BANKS: That is correct.
 12 JUDGE PEARSON: Okay. And the payment plan,
 13 it looks like you made a \$100 payment today --
 14 MR. HORNE: Yes.
 15 JUDGE PEARSON: -- and that you have a
 16 payment due on May 18th and June 17th. And you do
 17 understand that you need to make those payments timely
 18 or -- or contact Staff if you're unable to to avoid the
 19 imposition of the full penalty; correct?
 20 MR. HORNE: Yeah.
 21 JUDGE PEARSON: Okay. And you understand the
 22 requirement to cease and desist --
 23 MR. HORNE: Yes.
 24 JUDGE PEARSON: -- unless and until you get a
 25 permit from the Commission?

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1 MR. HORNE: Yes.
 2 JUDGE PEARSON: Okay. Okay. Then I will
 3 sign this and hand it to Ms. Banks, and she will have a
 4 copy made for you, and then you're free to go this morning.
 5 Thank you.
 6 Ms. Banks, do you have anything further
 7 before we adjourn this morning?
 8 MS. BANKS: No, I do not.
 9 JUDGE PEARSON: Okay. Then we will be
 10 adjourned and go off the record at 11:35 a.m. Thank you.
 11 MS. BANKS: Thank you.
 12 (Proceedings concluded at 11:38 a.m.)
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CERTIFICATE

STATE OF WASHINGTON
COUNTY OF KING

I, Ryan Ziegler, a Certified Shorthand Reporter in
and for the State of Washington, do hereby certify that the
foregoing transcript, taken on April 18, 2016, 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 April 27, 2016.

RYAN ZIEGLER, RPR, CCR _____