

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of Determining the Proper  
Carrier Classification of, and Complaint  
for Penalties Against:

SEAN SMITH

DOCKET TG-190488

DECLARATION OF  
KATHRYN MCPHERSON

Kathryn McPherson, under penalty of perjury under the laws of the State of Washington, declares as follows:

1. I am employed by the Washington Utilities and Transportation Commission (Commission) as an investigator in the Solid Waste Enforcement program within the Transportation Safety Division. As an investigator, my responsibilities include conducting investigations regarding the business practices of regulated transportation companies. As part of those duties, I investigate transportation companies that may be operating without the required Commission-issued certificate.
2. On April 18, 2019, I found information that Sean Smith (Sean Smith or Company), advertised on Facebook Marketplace as a solid waste carrier.<sup>1</sup>
3. On April 18, 2019, a search of Washington State Department of Revenue's (DOR) records showed that Sean Smith has an active business registration.<sup>2</sup> DOR's records indicate that Sean Smith's business address is 3425 N Dale Road, Millwood, Washington, 99212.
4. On April 18, 2019, I reviewed Commission records to determine if Sean Smith had authority to operate as a solid waste carrier in the state of Washington. I learned that the Commission has no record of the Company.
5. On May 1, 2019, I sent a letter to Sean Smith stating that I believed the Company was violating Commission rules by operating as a solid waste carrier without the required certificate.<sup>3</sup> Sean Smith was required to respond by May 15, 2019, by either submitting a completed application for solid waste certificate, or by explaining in writing why the business does not require a solid waste certificate.

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<sup>1</sup> See Attachment A for copies of online advertising on Facebook Marketplace Pages.

<sup>2</sup> See Attachment B for copy of Washington State Department of Revenue Online.

<sup>3</sup> See Attachment C for a copy of the compliance letter sent to Sean Smith, dated April 24, 2019.

6. On May 3, 2019, I received two separate emails from Sean Smith. The first email received at 12:48 p.m. explained that the Company started “doing trash loads” as a source of income.<sup>4</sup> Sean Smith stated the Company would be willing to complete an application for a certificate. Sean Smith requested the application information be sent again. The second email from the Company was received at 1:06 p.m. In the email Sean Smith stated the advertisements were created for a friend, but “she” did the business herself.<sup>5</sup>
7. On May 6, 2019, I replied by email to Sean Smith’s request for a solid waste application. In the email, I provided technical assistance to help the Company determine whether or not to apply. The email also informed Sean Smith that the Company could not perform solid waste services without a certificate from the Commission and noted a recent advertisement for moving service by Sean Smith. I informed the Company that household goods moving also requires a permit from the Commission.<sup>6</sup>
8. On May 7, 2019, at 12:37 p.m., Sean Smith sent a response email again stating that the Company was advertising for another friend’s company for moving, and the Company does not provide moving services. The email also stated that the Company had stopped dumping waste, and had deleted all posts on Facebook. In the email Sean Smith stated the Company would not continue until it could apply for and receive a certificate.<sup>7</sup> Sean Smith sent a second email at 12:47 p.m. saying he would be accepting a job, and would no longer be working independently.<sup>8</sup>
9. On May 7, 2019, Sean Smith contacted me by phone at 3:34 p.m.. He had additional questions regarding the certificate. Sean Smith reiterated that the Company had removed its Facebook ads, and no longer would transport solid waste.
10. On May 23, 2019 using an assumed name on Facebook Messenger, I messaged Sean Smith responding to a Facebook Marketplace ad. Sean Smith and I messaged until we agreed on a price for the Company to haul eight large bags of solid waste for \$150.<sup>9</sup>

DATED this 2<sup>nd</sup> day of October, 2019, at Lacey, Washington.

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Kathryn McPherson

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<sup>4</sup> See Attachment D for a copy of emails from Sean Smith dated May 3, 2019 at 12:48 p.m.

<sup>5</sup> See Attachment E for a copy of emails from Sean Smith dated May 3, 2019 at 1:06 p.m.

<sup>6</sup> See Attachment F for a copy of email to Sean Smith dated May 6, 2019.

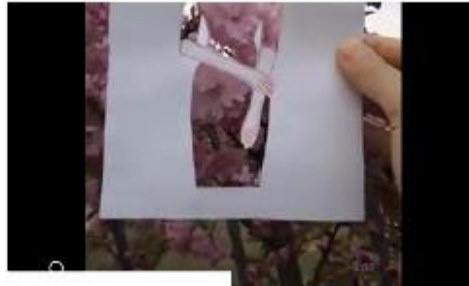
<sup>7</sup> See Attachment G for a copy of Sean Smith’s email response dated May 7, 2019 at 12:37 p.m.

<sup>8</sup> See Attachment H for a copy of Sean Smith’s email response dated May 7, 2019 at 12:47 p.m.

<sup>9</sup> See Attachment I for a copy of Facebook Messenger agreement to transport solid waste dated May 23, 2019.

# Attachment A

The screenshot shows a Facebook Marketplace listing for 'Dump Loads' in Spokane Valley, WA. The listing is priced at \$50 and includes a photo of a truck bed overflowing with various items. The text of the listing reads: 'Trash, couches, fridges or range we're here to take any of it! Based on how heavy it all loads up to be on we are charge. Just no, sehoid garbage? No problem. That's why we have our minimums to avoid excessive trips, while also available to help neighbors in need! Currently we at Online Warehousing are offering near minimum \$50-100 to dump garbage or hauling/moving loads! (These are not heating or full appliance dump loads.) Millwood, WA willing to travel to come get your trash or help you move for a great deal, sale ends when the post goes down!'. Below the listing, there are navigation options: 'Message', 'Save', and 'Share'. A 'Price references for Dump loads:' section is also visible. At the bottom, there is a 'More items near you' section with a 'Garden' category and a 'See All' button. The left sidebar shows various Marketplace categories like 'All Marketplace', 'Vehicle', 'Home & Garden', 'Housing', 'Entertainment', 'Clothing & Accessories', 'Family', 'Electronics', 'Hobbies', 'Classifieds', and 'Deals'.



**Timeline Photos**  
Based out of Milwaukie, WA. Ready to Work!  
*(Please note, based on location, travel expenses may be included.)*

50\$ minimum, 100\$ for a loaded truck, and  
150\$ for an over-the-top load strapped down.

*With the rainy weather, I understand soaked furniture! If you have  
soaked furniture needing dumped, 225\$ for an over-the-top load with  
soaked furniture!*

*Need multiple loads, we do offer discounts,  
We also cover dump costs!*

*Mileage may be considered based on distance and how busy we are,  
you'll always know before job accepted!*

*Again, feel free to take a look at our Website  
www.drainmatewarehouseing.net, Most everything is on sale for 50% off  
down to a minimum of 30% with delivery!*

*We're also available for hourly work at 25\$/hr, 1-4 @ hands available  
Ask about moving if you're interested and we're available to help move  
you from point A to B for a great rate too!*



**Sean Smith**  
April 14  
Like Page

Comment Share  
Like Comment Share

Write a comment...  
Press enter to post.

5,255,346 Views  
**Hobi**  
March 20 at 1:43 PM  
Like Page

Life is Like A Joke  
Like Comment Share

Write a comment...  
Press enter to post.

**Sean Smith**  
April 14 at 7:00 PM

Washington State Department of Revenue

[Services](#) [Business Lookup](#) [SEAN SMITH](#)

License Information:

[New search](#) [Back to results](#)

**Entity name:** SMITH, SEAN

**Business name:** SEAN SMITH

**Entity type:** Sole Proprietor

**UBI #:** 603-603-738

**Business ID:** 001

**Location ID:** 0001

**Location:** Active

**Location address:** 3425 N DALE RD  
MILLWOOD WA 99212-1905 USA

**Mailing address:** 3425 N DALE RD  
MILLWOOD WA 99212-1905 USA

**Excise tax and reseller permit status:** [Click Here](#)

**Governing People** *May include governing people not registered with Secretary of State*

Governing people	Title
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SMITH, SEAN

The Business Lookup information is updated nightly. Search date and time: 4/18/2019 8:02:10 AM

*Working together to fund Washington's future*

## Attachment C



STATE OF WASHINGTON

### UTILITIES AND TRANSPORTATION COMMISSION

1300 S. Evergreen Park Dr. S.W., P.O. Box 47250 • Olympia, Washington 98504-7250

(360) 664-1160 • TTY (360) 586-8203

May 1, 2019

Sean Smith  
3425 N. Dale Road  
Millwood, WA 99212

Dear Mr. Smith:

The Washington Utilities and Transportation Commission (commission) believes you are engaged in services that require a certificate from the commission. The purpose of this letter is to provide technical assistance to you with respect to Washington's solid waste hauling requirements. Commission staff recently discovered that you are advertising on social media for solid waste hauling.

Operating or advertising as a solid waste hauler without the required certificate is illegal, and subject to a penalty of \$1,000 per violation.<sup>1</sup> Under the law, advertising of solid waste collection services is evidence of operating as a solid waste hauler. Solid waste collection includes residential and commercial garbage, residential recycling, yard waste, and drop box service.

Without obtaining authority from the commission to haul solid waste in Washington state, you may not advertise or provide these services. Until and unless the commission grants a solid waste certificate, you must immediately cease advertising and providing all forms of solid waste collection services.

If you wish to offer solid waste collection services, you must first apply for authority as a solid waste collection company. An application has been included in this letter. Be advised, however, that your application will be subject to a public protest period and you will have to demonstrate that the existing solid waste company is not providing the service you propose to offer. The commission will only grant new solid waste authority if the existing certificated company is determined to be unfit, unwilling, or unable to provide the service.

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<sup>1</sup> RCW 81.04.380

May 1, 2019  
Sean Smith  
Page 2

To avoid enforcement action by the Commission, by May 15, 2019, please either submit a complete application for a solid waste certificate, or explain in writing why you believe your business does not require authority from the Commission. Please explain the nature of your company's operations in detail.

Please direct your written response, to [Kathryn.McPherson@utc.wa.gov](mailto:Kathryn.McPherson@utc.wa.gov) or mail to P.O. Box 47250, Olympia, WA 98504. You may also reach Ms. McPherson at 360-664-1108.

Sincerely,

Mike Turcott  
Compliance Investigations Supervisor

Enclosures (2)

## Attachment D

**McPherson, Kathryn (UTC)**

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**From:** Sean Smith <sean89smith@gmail.com>  
**Sent:** Friday, May 3, 2019 12:48 PM  
**To:** McPherson, Kathryn (UTC)  
**Subject:** Solid Waste Certificates and Application?

Kathryn,

I am very sorry, I recently started trying to scrounge up some funds because for the past two years after my Mother passed away, my Grandmother wound up passing away shortly after as well and I have been receiving assistance from family to maintain staying afloat :-/

I recently started becoming recognized, and started doing trash loads but they were more helping move people and throwing the extras away until this month.

I would like to become certified to maintain doing, and continuing garbage loads, when I looked online I saw dozens of applications and was not sure which I fit into though.

I offer services for trash removal in Spokane county anything from yard cleaning to trash removal, if that helps narrow down which application I should fill out and send in. I do not have a Printer handy, but if needed to get this done, I can use the printers at the library or go in to a location to do this application.

Again I am very sorry, I do not mean to be skating laws or doing anything underhanded, I honestly have been so far behind on bills for the past couple years, that I knew I needed to do something, and with the use of my truck, I have been able to slowly get my bills caught up finally.

If you could please send me links, or locations to file for a certificate, I will get right on that by this week or next. Thank you very much for reaching out to me instead of slapping a big fine on me for my ignorance :-/ I greatly appreciate it!

Sean Smith  
[Sean89Smith@gmail.com](mailto:Sean89Smith@gmail.com)  
3425 N Dale Rd  
Millwood, WA. 99212



## Attachment E

### McPherson, Kathryn (UTC)

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**From:** Sean Smith <sean89smith@gmail.com>  
**Sent:** Friday, May 3, 2019 1:06 PM  
**To:** McPherson, Kathryn (UTC)  
**Subject:** Another note

Everything I've done has been through and with a friend who is legally documented, is there any other paperwork I need, to furnish liability through her? I advertise, but she gets the business and I just help her because I didn't want to get in trouble. Kind of like an umbrella company

## Attachment F

**McPherson, Kathryn (UTC)**

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**From:** Sean Smith <sean89smith@gmail.com>  
**Sent:** Friday, May 3, 2019 12:48 PM  
**To:** McPherson, Kathryn (UTC)  
**Subject:** Solid Waste Certificates and Application?

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Sean Smith  
[Sean89Smith@gmail.com](mailto:Sean89Smith@gmail.com)  
3425 N Dale Rd  
Millwood, WA. 99212

## Attachment G

### McPherson, Kathryn (UTC)

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**From:** Sean Smith <sean89smith@gmail.com>  
**Sent:** Tuesday, May 7, 2019 12:37 PM  
**To:** McPherson, Kathryn (UTC)  
**Subject:** Re: Solid Waste Certificates and Application?

I have been helping a friend advertising for Acta Non Verba Moving and I do not move people, I was advised by another friend of mine about that and I do appreciate you for bringing that up.

I have stopped dumping waste and have tried deleting posts (as there are many of them throughout Facebook from recent and further out dates).

I am currently working on obtaining my proper certification before continuing further with dumps. I redirect any traffic for moving to Kyle Tudahl, but recently found him not able to work in Washington, so I haven't been making any new posts lately due to not being able to work. I am trying to rustle funds together to be properly licensed and certified before continuing dump runs or otherwise working with people as to not find myself fined or otherwise disabled to the point of not being able to work anymore.

I really greatly appreciate you reaching out to me in order to avoid penalties or fines, I've had a great deal of stress going on and been borrowing for too long. I just want to work and make it the honest way.

Sean Smith

On Mon, May 6, 2019, 1:30 PM McPherson, Kathryn (UTC) <[kathryn.mcpherson@utc.wa.gov](mailto:kathryn.mcpherson@utc.wa.gov)> wrote:

Dear Mr. Smith,

Please find below links for solid waste application. Enclosures should have been in the letter sent to you. You may complete the application sent to you, or reprint with the links below.

<https://www.utc.wa.gov/regulatedIndustries/transportation/TransportationDocuments/TransportationApplications/SolidWasteApplication-2015.doc>

<https://www.utc.wa.gov/regulatedIndustries/transportation/TransportationDocuments/SupportStatement.doc>

In deciding to apply for a solid waste certificate, you may want to consider the following:

- Is a solid waste hauler currently operating in the area you are servicing? It appears Waste Management Northwest services Spokane County. Your company would be subject to public protest. This includes from the current company operating in the areas you are servicing.
- Are you offering a service not offered by the current company? Solid waste services include residential curbside pick-up for recyclables, solid waste (trash/garbage), and yard waste. The regulated solid waste provider charges the consumer according to tariffed rates set by the commission.

At this time, you may not haul solid waste, recycling, or yard waste without a certificate. You may also not advertise on Craigslist, Facebook, or other social media for these services. You must immediately stop advertising and providing these services to avoid further action.

## Attachment H

### McPherson, Kathryn (UTC)

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**From:** Sean Smith <sean89smith@gmail.com>  
**Sent:** Tuesday, May 7, 2019 12:47 PM  
**To:** McPherson, Kathryn (UTC)  
**Subject:** Another topic question for licensing requirements

I was proposed a job opportunity with Jason Griffin, in order to work for his business with TC Contracting. I wanted to make sure if I needed any certification or obligations before working for him. He does general contracting, dumps for his contractors, floor replacement and various other jobs that he wanted assistance with and has plenty of work to keep me moving. After hearing from and becoming more nervous about working without becoming certified, are there any licenses I'd need in order to work with him?

I will not be the construction or demolition guy, I would be the guy jumping in a rig, delivering parts or pieces, picking up jobsite trash, helping or assisting various other tasks and I would be running under my social security ID # for 1099.

I wanted to make sure that I did not need any other specific licensing or documents in order to work for him.

Thank you for your time,  
Sean Smith

On Mon, May 6, 2019, 1:30 PM McPherson, Kathryn (UTC) <[kathryn.mcpherson@utc.wa.gov](mailto:kathryn.mcpherson@utc.wa.gov)> wrote:

Dear Mr. Smith,

Please find below links for solid waste application. Enclosures should have been in the letter sent to you. You may complete the application sent to you, or reprint with the links below.

<https://www.utc.wa.gov/regulatedIndustries/transportation/TransportationDocuments/TransportationApplications/SolidWasteApplication-2015.doc>

<https://www.utc.wa.gov/regulatedIndustries/transportation/TransportationDocuments/SupportStatement.doc>

In deciding to apply for a solid waste certificate, you may want to consider the following:

- Is a solid waste hauler currently operating in the area you are servicing? It appears Waste Management Northwest services Spokane County. Your company would be subject to public protest. This includes from the current company operating in the areas you are servicing.
- Are you offering a service not offered by the current company? Solid waste services include residential curbside pick-up for recyclables, solid waste (trash/garbage), and yard waste. The regulated solid waste provider charges the consumer according to tariffed rates set by the commission.

At this time, you may not haul solid waste, recycling, or yard waste without a certificate. You may also not advertise on Craigslist, Facebook, or other social media for these services. You must immediately stop advertising and providing these services to avoid further action.

Search

Kelley Home Find Friends Create

**Messenger**

Search Messenger

**Kelley - Roll off dro...** Thu  
You: hi. I have some t...

**Kelley - Dump L...** May 23  
Sean: Yeah absolutely!

**Kelley - Drop b...** May 23  
You: dam. I needed a L...

**Jose P Gonzalez** Apr 17  
?

**Facebook User** Apr 16  
You: Is this a bad day?

**Kelley - Moving s...** Apr 1  
William: William sold...

**Kelley - Dump runs** Apr 1  
Dc: Awesome

**Kraken Tours** Mar 20  
Please feel free to rea...

**Kelley - Dump Loads? Hauling or Moving?**

May 23, 2019, 10:45 PM

You named the group Kelley - Dump Loads? Hauling or Moving?

You changed the group photo.

Is this available? 1

Hi I just moved out of a place - well moving out of a place. It took longer than I planned and I ended my garbage service already. I need garbage taken away so I am clear with the landlord. Do you do dump runs?

Seen

**Yes I do, I charge between 50 for a couple bags 100 for a loaded but not full, 150 for a full truckload and 225 for a very heavy load (filled appliances, wet furniture, dirt/tiles ect)**

you know like large black garbage bags for yard stuff? I have 8 large bags filled up. Lots of stuff, but its just garbage. I cleared out my kitchen bathroom of stuff, also stuff from moving last month old pizza boxes junk like that. How much will that run.

my place is at liberty lake.

Seen

**It sounds like a full load at 150\$ I don't charge dump expenses or commute as you're within 30 minutes of me**

whew. Okay, thank you. Can I get back to you in tomorrow?

Seen

**Yeah absolutely!**

**Whenever you're ready just lemme know and I'll swing out and load up for ya 😊**

**Kelley - Dump Lo...**

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Marketplace Details

**Dump Loads? Hauling...**  
**\$50** - Spokane Valley, WA

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Options

- Search in Conversation
- Edit Nicknames
- Change Color
- Change Emoji
- Notifications

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People

- Add People
- Kelley Jurgensen**
- Sean Smith**

Time & motion: @home