

0001

1

BEFORE THE WASHINGTON STATE

2

UTILITIES AND TRANSPORTATION COMMISSION

3

4

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

6

) DOCKET TV-130326

7

HARRIS, THOMAS d/b/a)
BIG EARL'S MOVING AND HAULING)

8

)

9

)

10

MOVERS COURT HEARING VOLUME I

11

PAGES 1-95

12

ADMINISTRATIVE LAW JUDGE ADAM TOREM

13

14

15

9:35 A.M.

16

APRIL 24, 2013

17

18

19

20

21

22

23

24

25

REPORTED BY: ELIZABETH PATTERSON HARVEY, RPR, CCR 2731

0002

1 A P P E A R A N C E S:

2

 ADMINISTRATIVE LAW JUDGE:

3

 ADAM TOREM

4

 Washington Utilities and Transportation
 Commission

5

 1300 South Evergreen Park Drive SW

6

 PO Box 47250

 Olympia, Washington 98504

 360.664.1136

7

8

 WASHINGTON STATE UTILITIES AND TRANSPORTATION
 COMMISSION:

9

 MATHEW PERKINSON

10

 Compliance Investigator

 Consumer Protection and Communications

11

 1300 South Evergreen Park Drive SW

12

 PO Box 47250

 Olympia, Washington 98504

 360.664.1111

13

14

 * * * * *

15

16

17

18

19

20

21

22

23

24

25

0003

1 OLYMPIA, WASHINGTON APRIL 24, 2013

2 9:35 A.M.

3

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

5

6 JUDGE TOREM: On the record a little after
7 9:35 in the morning on Wednesday, April 24, 2013.

8 My name is Adam Torem. I met some of you
9 downstairs as you were signing in. I'm the Administrative
10 Law Judge with the Washington Utilities and Transportation
11 Commission.

12 Today I'm the presiding officer for the
13 hearing being conducted at our headquarters here in Olympia.
14 This hearing is informally known as Mover's Court. It's
15 involving today a total of eight household goods carriers
16 who were served with complaints alleging that you were
17 operating without a permit.

18 My first order of business is to take formal
19 roll call and determine which companies are present and
20 identify the name and position of the person responding to
21 the complaint and the subpoena. And I've been handed up an
22 attendance list. I just need to confirm it on the record so
23 the court reporter and I will know who's here.

24 Start with Docket TV-130324. The company
25 name on that complaint is A Father and Fast Careful Sons,

0004

1 David Campbell. Are you present?

2 MR. CAMPBELL: (Indicating.)

3 JUDGE TOREM: All right. Thank you, sir.

4 Docket TV-130325, that one is Advanced Moving
5 and Packing, Justin Suedel.

6 MR. SUEDEL: Here.

7 JUDGE TOREM: Thank you, sir.

8 TV-130326, Big Earl's Moving and Hauling, Tom
9 Harris.

10 MR. HARRIS: Yes.

11 JUDGE TOREM: Thank you, sir.

12 TV-130327, Jeff's Express Movers, I'm looking
13 for Jeffrey Johnson. He's not on this list yet, so we'll
14 see if Mr. Johnson comes in a little later.

15 TV-130328, Mark's Pro Movers, Mark Schueller,
16 is it?

17 MR. SCHUELLER: Yes.

18 JUDGE TOREM: Thank you.

19 TV-130329, Professional Relocations Moving
20 Company, Mr. Wade Taylor.

21 MR. TAYLOR: Here.

22 JUDGE TOREM: Thank you.

23 Mr. Perkinson, we had another docket, 130330,
24 Quick Moving and Delivery. Did you manage to get service on
25 Mr. Geraldo Lima?

0005

1 MR. PERKINSON: No, I did not.

2 JUDGE TOREM: So that case won't go forward
3 today.

4 TV-130331, Smoother Mover, Mathew Twiggs;
5 sir, I believe you're on the line?

6 MR. TWIGGS: Yes, sir.

7 JUDGE TOREM: And TV-130332, Joedy Smith; he
8 has not signed in either. So we'll see if Mr. Smith and Mr.
9 Johnson appear at some point during today's hearing.

10 So I've got those two companies that have not
11 yet entered an appearance. There are five present here in
12 Olympia and one being represented by phone. The companies
13 that did not appear, just so you're aware, are subject to
14 being held in default and having an order against them
15 without having a chance to address me or speak on their
16 behalf to the Commission.

17 We'll take those up later this morning, Mr.
18 Perkinson.

19 Each of you that are here in Olympia today,
20 thank you for the drive down from wherever you had to come.
21 I do appreciate that the commute can be a little bit
22 difficult coming down. I appreciate the effort to get here.

23 Each of you are here because the Commission
24 over the last several weeks filed a complaint alleging that
25 each of your companies is performing or advertising to

0006

1 perform work as a household goods carrier, but without the
2 required permit. And under Washington law, as I'm sure
3 you're now aware, it's strictly prohibited to engage in
4 business as a household goods carrier without first
5 obtaining that household goods carrier permit from this
6 Commission.

7 The law is cited in the cover letter that you
8 should have received, a little packet of materials. It's
9 cited in the complaint filed against you. It's Revised Code
10 of Washington, Title 81, Chapter 80, Section 75.

11 The purpose of today's proceeding is to
12 formally explain some choices that you have under the law,
13 and then I want to hear from each of you regarding which
14 option you want to pursue.

15 In essence, there are really two paths
16 available today. One is you're going to agree to cease and
17 desist operating without a permit, and that includes
18 advertising, until you get a permit. If you choose to
19 pursue that route today, you're going to need to demonstrate
20 to me, either through sworn testimony or maybe you have some
21 other demonstration of evidence, what you've done to shut
22 down your current business in full or in part to avoid
23 enforcement action by the Commission.

24 The Commission, Mr. Perkinson, may ask some
25 questions. And I may ask some questions. And what we're

0007

1 going to want to see, and hopefully I can verify with some
2 proof from you today, is you're no longer operating as a
3 household goods operator without a permit; you're no longer
4 operating unlawful services.

5 If you've been advertising, I want to know
6 what you've done to take down your websites or cancel
7 advertisements that are in print. In other words, give me
8 some kind of assurance that what you're telling me is the
9 truth.

10 You will testify under oath. I hope that's
11 sufficient for most of you, but proof is always good.

12 Your other choice, if you're not going to
13 cease operating your business, is to contest the
14 Commission's action and ask for a formal hearing that we
15 classified you as a household goods mover. Maybe you think
16 you don't qualify under the law.

17 It will be your burden to show why you think
18 you're a different kind of business. So if you choose that
19 route, the allegations in the complaint, you want to say,
20 "Hey, Commission, you have to prove this."

21 And we'll set up a separate hearing where the
22 Commission will bring its own witnesses, explain why they
23 brought the complaint, and you'll be able to cross-examine
24 those witnesses. You'll put on your own testimony or those
25 of other witnesses, and the Commission can cross-examine

0008

1 them. It's like a mini-trial.

2 So we'll schedule any of those formal
3 hearings at a later date in the future and set some
4 deadlines to file evidence.

5 So today is really a choosing between ceasing
6 and desisting until you get a permit and then going on from
7 there; if you want to classify yourself as not a household
8 goods permit, we'll have a separate hearing on another date.

9 What you should take out of this is that each
10 of you has a right to be heard by the Commission. And we're
11 going to at least find out what your choices are on those
12 two options here today.

13 Now the staff has a right to be heard as
14 well. Mr. Matt Perkinson, who I think I have referred to
15 several times and most of you should have met, will be
16 representing the Commission staff here this morning. He is
17 a compliance investigator and will be introducing each case.

18 Those are the general options for today.

19 The rest of the procedures are as follows:
20 I'll be calling you up in docket number order this morning.
21 We're going to take Mr. Twiggs' case because he's on the
22 phone using an Idaho prison telephone to make sure he can
23 represent himself today. We're going to do that as a
24 courtesy to the prison staff and get him taken care of
25 first. And then I'll turn to each of you in order.

0009

1 I'll swear you in with an oath of witness so
2 that anything you tell the court is under oath and can be
3 considered as sworn testimony.

4 The court reporter is going to be taking down
5 what you say, so if you can speak one at a time when you're
6 up here. There's a microphone with the chairs here. And
7 there's a little silver button in the middle. If you push
8 the button gently, a red light will come on and tell you
9 that the system is picking up your words. So speak slowly,
10 speak clearly, and make sure you use the microphone.

11 Once you're sworn in, we'll make sure you
12 understand exactly what the options are and ask you to state
13 your preference. If there's anything else you want to
14 explain to me under oath, you can do that.

15 In each of the complaints, if you look at
16 your paperwork, the Commission staff has not only alleged
17 you're providing household goods services without the
18 permit, but also advertising. And they're also seeking to
19 have a penalty imposed. This is probably why most of you
20 are here, is to see about what this penalty is.

21 The law sets a maximum penalty for each
22 violation at \$5,000. Staff is going to be making a
23 recommendation as to what penalty they think should be
24 appropriate for each case. And if you're agreeing to an
25 order for cease and desist, that will be part of the order

0010

1 as well.

2 So you'll have a chance to talk to me about
3 the amount of the penalty you're agreeing to pay. And we'll
4 see about the proof in each case. Some cases will merit a
5 higher penalty, some cases will merit an average penalty,
6 and some cases, depending on the circumstances, might merit
7 none. So it just depends on each of your cases.

8 Mr. Perkinson is going to explain the reason
9 behind staff's recommendation.

10 And I'll be making on behalf of the
11 Commission a final decision for each of your cases.

12 There are a number of factors to be
13 considered. So again, if you choose to testify about how
14 you are getting out of the household goods business or you
15 started to once you heard from the Commission, I'll allow
16 you to make a statement explaining about that. And we'll
17 see if we can reach an agreed order resolving your case.

18 We'll see if Mr. Perkinson has any other
19 questions about what you have to say. And like I said
20 earlier, I often have questions myself to see if I can
21 verify the nature of what you're saying or making sure that
22 any promises you're making, you intend to keep them.

23 If you choose, again, to contest the
24 allegations in the complaint, I'll tell you a little more
25 about the kind of evidence that will be persuasive when you

0011

1 come back that you're not a household goods mover so you can
2 get adequately prepared for that kind of case.

3 We'll take a look at calendars to see a date
4 that Mr. Perkinson and staff have available. And we'll be
5 right back here in this room, and we'll have the hearing
6 contesting the complaint on such date.

7 After we find out your choices, we'll
8 probably take a break, because what I intend to do for those
9 of you who agree to leave here having agreed to cease and
10 desist or go about getting your permit is enter an order
11 right here today. Much like traffic court, you find out
12 what your fine's going to be, you find out what you have to
13 do. Same sort of thing today. I'll enter the order, but
14 it's going to take some time. And that's why all these
15 folks are lined up against the wall, to help process the
16 paperwork.

17 So we'll be -- it's now about ten minutes to
18 10:00. I imagine we'll be talking until no later than
19 10:15. We'll take a break, come back at 11:00, and get
20 everybody on the road before lunchtime with an order in hand
21 or some agreement as to what you're going to be doing.

22 Some of your cases will be faster. It just
23 depends on how quickly we can get them done.

24 All right? Any questions in general?

25 Let me turn to Mr. Perkinson and swear you in

0012

1 so you're able to speak truthfully for the whole morning.

2

3 MATHEW PERKINSON, having been duly sworn, testified
4 as follows:

5

6 JUDGE TOREM: All right. Mr. Perkinson has
7 been sworn in, so I'm going to start with Mr. Twiggs. Can
8 you hear me on the line here today?

9 MR. TWIGGS: Yes, your Honor.

10 JUDGE TOREM: Do you understand the two
11 choices that you have about agreeing to cease and desist or
12 deciding that you want to contest whether you're a household
13 goods mover or not?

14 MR. TWIGGS: I do. I do have a question,
15 though.

16 JUDGE TOREM: Okay, sir.

17 Let me just make sure the court reporter
18 knows we're on -- your case is TV-130331.

19 Go ahead, Mr. Twiggs. What's your question?

20 MR. TWIGGS: My question is if I choose to
21 cease and desist as a household goods carrier, can I still
22 provide labor for customers; not the driving portion, just
23 the labor portion, like load and unload?

24 JUDGE TOREM: We do have an allowance as to
25 what defines a household goods mover.

0013

1 I'm going to let Mr. Perkinson explain it for
2 the benefit of those in the room and yourself as well.

3 So Mr. Perkinson, make sure your microphone
4 is on.

5 MR. PERKINSON: Yes, it is.

6 JUDGE TOREM: Can you explain where the
7 borderline is between a pack and load company and a
8 household goods mover.

9 MR. PERKINSON: Yes. Mr. Twiggs and
10 everybody else in the room, you are able to provide the
11 labor of a move, but you can't actually be the one that
12 rents a truck and/or provides the truck for the move.

13 But if you showed up and just did the labor
14 only, say, packed the person's belongings, then you'd be
15 fine.

16 MR. TWIGGS: And how soon after I get the
17 permit -- because I'm in the process of getting the permit
18 -- can I go do the carrier portion of it?

19 Do I have to notify the court?

20 MR. PERKINSON: Once you receive the
21 temporary permit you could transport immediately.

22 MR. TWIGGS: All right. Thank you.

23 JUDGE TOREM: So Mr. Twiggs, are you ready to
24 tell me what your choice is going to be on how you're going
25 to proceed today?

0014

1 MR. TWIGGS: I would like Option A, your
2 Honor.

3 JUDGE TOREM: So you're agreeing that you
4 want to cease and desist?

5 MR. TWIGGS: Yes.

6 JUDGE TOREM: All right. I've already sworn
7 in Mr. Perkinson, and I want to hear from him on your case.

8 So I'm going to look at the documents. You
9 received a copy of the complaint?

10 MR. TWIGGS: Yes.

11 JUDGE TOREM: And you should have also
12 received the subpoena and a couple of other exhibits, I
13 think, that were attached to a declaration of Mr.
14 Perkinson?

15 MR. TWIGGS: Yes.

16 JUDGE TOREM: And I've got your letter that
17 you sent on April 4 that arrived here explaining your
18 circumstance.

19 MR. TWIGGS: Right. I have all my insurance
20 information and L&I numbers, account numbers if you need
21 that. I don't know if you do or not.

22 JUDGE TOREM: I'm not sure that I need that
23 today for the purpose of the cease and desist order.

24 MR. TWIGGS: Okay.

25 JUDGE TOREM: I think what we're going to

0015

1 have to do logistically is you're not going to be here to
2 sign the order as the other movers are. So do you have a
3 problem with Mr. Perkinson or myself signing for you once
4 you've had a chance to take a look at the order and tell you
5 what it says?

6 MR. TWIGGS: No. That would be fine, your
7 Honor.

8 JUDGE TOREM: Mr. Perkinson, why don't you
9 explain Mr. Twiggs' case and we'll dispense with that now.

10 MR. PERKINSON: Your Honor, at this time I'd
11 like to refer to my declaration.

12 JUDGE TOREM: I've got that in front of me.

13 MR. PERKINSON: Okay. I began an
14 investigation into the activities of Mathew D. Twiggs, doing
15 business as Smoother Mover, in October 2012 because I found
16 advertisements indicating the company was conducting
17 household goods moves within the state of Washington without
18 a permit.

19 On December 4, 2012, I mailed a compliance
20 letter to Smoother Mover, instructing it to remove any
21 advertisements and cease operating as a household goods
22 operator until it obtained a Commission-issued permit.

23 I conducted a follow-up investigation into
24 the activities of Smoother Mover in March of 2013 and found
25 advertisements indicating the company is still conducting

0016

1 household goods moves within the state of Washington without
2 a permit.

3 I reviewed Commission records related to
4 Smoother Mover to determine the company held -- whether the
5 company held a household goods permit. According to
6 Commission records as of March 7, 2013, there's no record of
7 Smoother Mover now or ever holding a household goods permit.

8 On March 1, 2013, I conducted an Internet
9 search for advertising for Smoother Mover. I found
10 advertisements on www.craigslist.org. The advertisement
11 included moving services, a contact name of Christy, and a
12 telephone number, 509-205-7110.

13 On March 1, 2013, I called the telephone
14 number 509-205-7110 which was listed in the Craigslist
15 advertisement and spoke to a woman who identified herself as
16 Christy. I asked Christy how much Smoother Mover would
17 charge to move from a two-bedroom apartment located in
18 Richland to another two-bedroom apartment located a few
19 miles away, also in Richland, at the North Point Apartments.

20 Christy said the company charges \$70 per hour
21 and does not own a truck, but they rent a truck so they
22 don't have to deal with the maintenance issues. Christy
23 said there would be an additional charge of \$70 for the
24 truck. That's all.

25 JUDGE TOREM: So this is the backup to the

0017

1 allegation that there was at least one move offered without
2 a permit and at least one advertisement; is that correct?

3 MR. PERKINSON: Yes.

4 JUDGE TOREM: Mr. Twiggs, you understood and
5 heard all of that?

6 MR. TWIGGS: Yes, your Honor.

7 JUDGE TOREM: Let me swear you in. I'm going
8 to raise my right hand here, if you're going to do that in
9 Idaho.

10 MR. TWIGGS: All right.

11

12 MATHEW TWIGGS, having been duly sworn, testified as
13 follows:

14

15 JUDGE TOREM: All right. Let me ask you a
16 question about Christy. Do you know who this woman is?

17 MR. TWIGGS: She's my wife, your Honor.

18 JUDGE TOREM: And is she still -- she's not
19 here today to testify on her behalf. Do you have any
20 independent knowledge about this conversation about a month
21 and a half ago?

22 MR. TWIGGS: Just that my wife told me that
23 she did have this conversation.

24 JUDGE TOREM: So you're the one that's on the
25 hot seat today for this company. And you want to agree to

0018

1 cease and desist?

2 MR. TWIGGS: Yes.

3 JUDGE TOREM: I don't know if you can at this
4 point speak for your wife as representing the company.

5 MR. TWIGGS: Yes.

6 JUDGE TOREM: She would, I expect, be
7 affected by the cease and desist order as well if she's
8 acting on behalf of Smoother Mover.

9 MR. TWIGGS: Yes.

10 JUDGE TOREM: Is that your understanding?

11 MR. TWIGGS: Yes. Business license and
12 everything is in my name. Unfortunately I'm incarcerated
13 right now, so she has to run the business.

14 I guess the question -- we are guilty of the
15 advertisement and at least the one offering to provide a
16 carrier service.

17 JUDGE TOREM: Okay. Now, you're in the
18 process of making sure you can get a permit; is that
19 correct?

20 MR. TWIGGS: Yes, your Honor.

21 JUDGE TOREM: All right. Now if we enter the
22 cease and desist order, we'll serve a copy to you there at
23 the prison.

24 I wonder, we'll have Mr. Perkinson get in
25 touch with you to get an address where Christy can be

0019

1 reached. Mr. Perkinson, do you happen to have that address
2 already in your records?

3 MR. PERKINSON: I believe that the compliance
4 letter would have sent to Ms. Twiggs. I think I have that.

5 JUDGE TOREM: Do you know, Mr. Twiggs, if she
6 received that at the home or business mailing address?

7 MR. TWIGGS: I believe she did.
8 Unfortunately she didn't read through the whole thing
9 carefully.

10 MR. PERKINSON: I have 391 Wright Avenue,
11 Richland, Washington.

12 JUDGE TOREM: Does that sound correct, Mr.
13 Twiggs?

14 MR. TWIGGS: That's correct.

15 JUDGE TOREM: That's where we'll send a copy
16 of the order as well. We'll make sure you get a copy in
17 Idaho so you're aware of what's going on as well.

18 Mr. Perkinson, you have a copy of the
19 template order in front of you?

20 MR. PERKINSON: Yes, I do

21 JUDGE TOREM: See if I leave anything out.

22 But my understanding, Mr. Twiggs, is the
23 order I would enter is that you have taken responsibility
24 and confirm and admit the move as you just did, and the
25 advertisement; that you agree that you don't have a permit;

0020

1 and you're agreeing to cease and desist until and unless you
2 get a permit.

3 MR. TWIGGS: Yes.

4 JUDGE TOREM: Mr. Perkinson, I'm going to ask
5 you to tell me what your staff recommendation is as to a
6 penalty. Remember the possibility here is a fine of \$5,000
7 for each the advertisement and move, for a total of 10,000.
8 That's the maximum the Commission can impose. Mr.
9 Perkinson?

10 MR. PERKINSON: Yes, your Honor. Commission
11 staff recommends Mathew Twiggs, doing business as Smoother
12 Mover, to be assessed a financial penalty in the amount of
13 \$5,000 for two violations of RCW 81.80.075.1. A \$4500
14 portion of the penalty will be suspended for two years from
15 the date of the order, then waived, subject to the condition
16 that Mr. Mathew Twiggs, doing business as Smoother Mover,
17 refrain from further operations as a household goods carrier
18 without first obtaining a permit from the Commission.

19 Staff recommends the Commission allow Mr.
20 Twiggs to pay the remainder of the penalty, \$500, no later
21 than November 1, 2004. Staff feels this payment schedule
22 will allow Mr. Twiggs additional time to pay the \$500
23 penalty due to him being incarcerated.

24 JUDGE TOREM: You said for this year or next
25 November?

0021

1 MR. PERKINSON: That would be next November,
2 2014.

3 JUDGE TOREM: So Mr. Twiggs, what the
4 recommendation is, if I choose to follow it, would be that
5 you would be responsible for a \$5,000 penalty.

6 However, the majority of that, \$4500, would
7 be held out. And you wouldn't be responsible if you either
8 get a permit, or, for the following two years from today,
9 didn't offer to move anybody without a permit and didn't
10 advertise any such services.

11 However, you would still have to pay \$500 by
12 November 1 of next year. Do you understand that
13 recommendation?

14 MR. TWIGGS: I do, your Honor.

15 JUDGE TOREM: What's your recommendation?

16 Do you agree with that or do you have
17 something else you'd like me to do in your case?

18 MR. TWIGGS: That sounds fair, your Honor.

19 However, I would like to express to you that
20 had I known about this permit, I would have gotten it. Due
21 to ignorance on my part -- I do have insurance, I have a
22 household goods labeling insurance up to a million dollar
23 policy. I have a UBI number. I do pay into L&I. I pay
24 federal taxes and I pay state taxes. You know, I employ
25 into employment security. This is one thing that

0022

1 unfortunately got overlooked.

2 But the \$500 penalty is fine with me, your
3 Honor. If you could find it in your heart to make it less,
4 I'm always would agree with that too. But that sounds fair
5 to me.

6 JUDGE TOREM: There's a number of heads
7 nodding in agreement with you here.

8 MR. TWIGGS: It's just one of those things if
9 I had known about this permit, I definitely would have
10 gotten it and saved myself and you time and money.

11 JUDGE TOREM: Understood. Mr. Twiggs, what
12 is your release date?

13 MR. TWIGGS: My projected release date would
14 be July 26 of 2014.

15 JUDGE TOREM: All right. When you get out,
16 let's assume that that's projected, and we talk about
17 August, September, October are the three months that you
18 would have a chance to earn an income again out on the
19 economy of presumably securing a permit.

20 I presume it's possible with your wife
21 Christy, she may be able to run this company for you if you
22 obtain a permit.

23 MR. TWIGGS: Yes.

24 JUDGE TOREM: Is that your plan, to obtain a
25 permit prior to next July?

0023

1 MR. TWIGGS: Oh, yes, definitely, your Honor.
2 This is -- I don't know if you have been involved in
3 criminal law, but I am a felon and it is a little harder to
4 obtain a job with a felony. And I have looked into the
5 permits. And as long as I think it's a five-year felony
6 free, that you can obtain the permit.

7 JUDGE TOREM: There definitely are some
8 fitness and character issues that go into the granting the
9 permit. Without knowing anything more than we're talking to
10 you from Idaho today, I couldn't give you any advice as to
11 whether this Commission would support granting a permit for
12 you.

13 MR. TWIGGS: Right.

14 JUDGE TOREM: We've had a number of cases
15 that deal with this issue. And some have come out as you
16 suggest they might and some have come out probably not how
17 you would like.

18 MR. TWIGGS: Right.

19 JUDGE TOREM: It depends on the individual
20 case.

21 MR. TWIGGS: Right. Okay.

22 JUDGE TOREM: One way or another, if I do
23 enter the order today with the recommendation to pay the
24 \$500, if you fail to pay the fine by next November, you
25 would be responsible for the entire fine. So this is a

0024

1 condition that you've got \$4500 hanging in the balance that
2 requires you pay the 500 by next November and don't conduct
3 any illegal moves.

4 So I want to make sure you understand what
5 you're giving us permission to sign your name to today here
6 in Olympia.

7 MR. TWIGGS: I understand, your Honor.

8 JUDGE TOREM: All right. Then what I'm going
9 to do is accept the Commission's recommendation, trust that
10 based on your suggestion you'll be able to earn that \$500
11 between now and next November. If you earn it sooner and
12 you want to pay this fine off sooner, that will be fine.

13 But the two-year period, again, of which you
14 have to cease and desist, I can't shorten that any. That's
15 going to be a two year period. So if today is April 2013,
16 we're talking April of 2015.

17 And if Mr. Perkinson or one of his investigators
18 is able to track down that Smoother Movers is again
19 advertising without a permit, that \$4500 will also be due.
20 And our assistant attorney general staff will be looking for
21 that in Superior Court, which is a full step up from here at
22 the Commission.

23 MR. TWIGGS: Right. Now I ceased advertising
24 as a carrier, but I do still offer labor.

25 JUDGE TOREM: And as you heard the

0025

1 description, if it's a pack and load situation and it's
2 clear from the advertising that you're not advertising as a
3 household goods mover, that your company cannot rent the
4 truck, your company provides labor only, then the Commission
5 is not going to have any problems with that.

6 MR. TWIGGS: Okay. So I hope to have the
7 permit by the end of this month.

8 JUDGE TOREM: Okay. If that's the case, then
9 you'll be able to continue advertising with the permit. But
10 keep that permit number on all of your ads so it's clear
11 you're advertising as a permitted company.

12 MR. TWIGGS: Thank you.

13 JUDGE TOREM: Anything else on this case?

14 MR. PERKINSON: Your Honor, I did have one
15 other thing. I checked the advertisement yesterday and
16 actually found an advertisement at
17 www.doc.tcsmoothermover.com. That advertisement needs to be
18 removed also.

19 MR. TWIGGS: Does it say carrier on there?
20 I'm not -- because I haven't had a chance to talk to my
21 wife. Does it offer carrier service?

22 MR. PERKINSON: I believe the advertisement
23 was listing moving. I don't know. I'm sorry. I don't have
24 that in front of me. I didn't print it out.

25 MR. TWIGGS: Well, then, I will make sure

0026

1 that she -- I will get on her today and specify that it's
2 labor only.

3 MR. PERKINSON: Yes. If you can label it
4 labor only, that would be sufficient.

5 MR. TWIGGS: Yes, definitely.

6 JUDGE TOREM: Mr. Twiggs, to your knowledge,
7 is that a direct control that your wife Christy has over the
8 advertising?

9 She's not contracting with another company
10 that puts content on a website?

11 MR. TWIGGS: I'm not sure how she's doing it
12 right now.

13 JUDGE TOREM: She's going to put this \$4500
14 at risk for you and for her if the advertising is wrong. So
15 I would encourage you, if you're making this commitment on
16 behalf of the company and yourself --

17 MR. TWIGGS: Yes.

18 JUDGE TOREM: -- to get in touch with her and
19 make sure she speaks to our staff to vet any ads, maybe even
20 before they go up, to make sure they're not going to cost
21 you \$4500.

22 MR. TWIGGS: I know she was in the process of
23 having a website built for us. This is news to me that it's
24 finished and that she still is offering the carrier. I
25 think she overlooked that. And I will call her as soon as

0027

1 we end this phone call.

2 JUDGE TOREM: So what I'm going to do,
3 probably after our break today so I don't keep these other
4 ladies and gentlemen here in Olympia waiting any longer, is
5 to enter an order that you'll get a copy of that will be
6 labeled Order 02, as an agreed order for the company to
7 cease and desist. It will have the terms we just discussed.
8 And I will probably sign it on your behalf, indicating as
9 much, that I have your permission to do so.

10 I'll enter the date of November 1, 2014 as
11 the due date for your \$500 that you are responsible for. If
12 you want to pay that in installments at any time between,
13 we'll be able to process that. Just put the docket number
14 of TV-130331, it's the same number that will be on your
15 order, on the memo part of your check when you send it into
16 the Commission.

17 MR. TWIGGS: Okay.

18 JUDGE TOREM: Anything else?

19 MR. TWIGGS: No, your Honor. That will be
20 paid long before November 1.

21 JUDGE TOREM: I hope to check this file in
22 another year and find out that we're right on target and no
23 other proceedings that we need to talk on the phone again
24 or, when you get out, hopefully not in person.

25 MR. TWIGGS: Exactly.

0028

1 JUDGE TOREM: All right, Mr. Twiggs.

2 Mr. Perkinson, anything else?

3 MR. PERKINSON: No, your Honor.

4 JUDGE TOREM: Mr. Twiggs, you can hang up on
5 your end. Thank you very much.

6 Are we ready to quickly call out the other
7 cases and see how they wish to proceed today?

8 MR. PERKINSON: Yes, your Honor.

9 JUDGE TOREM: Thank you all for your patience
10 in allowing me to take care of that case over the phone
11 line.

12 We're going to start with Mr. Campbell from a
13 Father and Fast Careful Sons, TC-130234. That little silver
14 button in the middle of the microphone, if you push it,
15 should turn on a red light. And if you'll pull that toward
16 you.

17 Sir, could you state and spell your name for
18 the record?

19 MR. CAMPBELL: David Campbell,
20 C-A-M-P-B-E-L-L.

21 JUDGE TOREM: What's your relationship with
22 the company A Father and Fast Careful Sons?

23 MR. CAMPBELL: I've been the owner of that
24 name since 1968 and have not been advertising under that
25 name for, I guess, since '07, 2007.

0029

1 And the things that he's found on the Internet
2 where --

3 JUDGE TOREM: Well, hold on one second, sir.
4 We'll get to the substance in a minute.

5 You understood the two options I gave earlier
6 about ceasing and desisting or perhaps contesting the case.
7 Do you know how you want to proceed?

8 MR. PERKINSON: Well, cease and desist, but
9 it's already there. I'm 82 years old and have not moved
10 people for quite a long time, really.

11 JUDGE TOREM: Okay. Let me swear you in.
12 And we'll get some testimony on that and decide if we're
13 going to need to enter an order or not. And if we need to
14 go into it in any depth, we'll come back after the break and
15 get through each of the other ones.

16

17 DAVID CAMPBELL, having been duly sworn, testified
18 as follows:

19

20 JUDGE TOREM: All right. Mr. Perkinson, can
21 you explain what the case is in this one?

22 MR. PERKINSON: Yes, your Honor. At this
23 point I would like to refer to my declaration.

24 JUDGE TOREM: Sure. If you can summarize
25 that quickly, I'll follow along. And I think Mr. Campbell

0030

1 probably has a copy in front of him

2 MR. TWIGGS: Rayne Pearson began
3 investigation of A Father and Fast Careful Sons in October
4 of 2010. He received information from Commission staff that
5 the company was conducting household goods without a permit.

6 On November 4, 2010, Rayne also mailed a
7 compliance letter to David Campbell, doing business as A
8 Father and Fast Careful Sons.

9 And then October 2012, October 11, 2012, I
10 received information from Commission staff indicating the
11 company was conducting household goods without -- within the
12 state without a permit. A consumer complaint was opened in
13 that case documenting that the company had indeed conducted
14 household goods moves.

15 JUDGE TOREM: All right. So Mr. Campbell,
16 you've had a chance to review Mr. Perkinson's declaration.

17 And I see he's got an attachment from a
18 MerchantCircle.com page showing an advertisement under the
19 name of A Father and Fast Careful Sons attached to it and a
20 few other advertisements as well from, it looks like,
21 Seattle.com and the Super Pages.

22 So also in his declaration, it indicates that
23 you may have had a permit, a temporary permit, back in 2007;
24 but that, it says here, was canceled for lack of insurance.
25 Does that sound right to you?

0031

1 MR. CAMPBELL: That sounds right. We did
2 have a permit in 2007.

3 JUDGE TOREM: And you were starting to
4 explain when I cut you off there how these advertisements
5 might have shown up on the Internet here so many years
6 later?

7 MR. CAMPBELL: Apparently people give
8 references to the Internet for work that's been done before.
9 And they've referred in these cases to a phone number we
10 have not had in use for approximately -- I think it's June 1
11 of 2006 or '7. At any rate, far back there. We don't have
12 that phone number now and have not had it for several years,
13 quite a few years.

14 JUDGE TOREM: Can you tell me, what kind of
15 business are you running now?

16 MR. CAMPBELL: Retirement.

17 JUDGE TOREM: Retirement. All right.

18 Mr. Perkinson referred to an October 2012, so
19 just a few months ago, issue of moving household goods in
20 Maple Valley. Do you know anything about that?

21 MR. CAMPBELL: Yes, sir. I do. We get
22 referrals from business conducted many years before. I've
23 been in business moving people since 1968. And so we've
24 moved a lot of people. I participated in hearings in this
25 room in the '70s when they changed the philosophy and method

0032

1 of doing business.

2 JUDGE TOREM: So did your company do a move
3 here in October?

4 MR. CAMPBELL: Excuse me?

5 JUDGE TOREM: Did your company do a move here
6 last October?

7 MR. CAMPBELL: I didn't do it, no. But I
8 referred it to friend. I've got a lot of friends in the
9 moving business and they did the move.

10 JUDGE TOREM: Somehow it comes back to the
11 commission that it was performed by you and A Father and
12 Fast Careful Sons.

13 MR. CAMPBELL: I'm not the one that did the
14 move at all.

15 JUDGE TOREM: Was it one of the fast or
16 careful sons, maybe?

17 MR. CAMPBELL: No. The youngest of those is
18 54 years old. And they're in business in separate things,
19 landscaping and other things.

20 JUDGE TOREM: All right. Well, we're not
21 regulating landscaping today.

22 But this is a question of you as a proprietor
23 are not in business any longer; that's what you're telling
24 me?

25 MR. CAMPBELL: That's correct.

0033

1 JUDGE TOREM: Now these other advertisements
2 that are still out there, you say you're not posting them?

3 MR. CAMPBELL: They're not paid advertising.
4 And they're not current phones. None of them. They're not
5 -- I was unaware that they are there. I'm surprised that
6 they are still on the -- they're inaccurate. And they're
7 using a phone number which I would rather not be involved
8 with because when they call a number that's dead end, in
9 other words you get no answer, that's detrimental to my
10 former reputation. And I don't like that idea. So I'm
11 really surprised that these things were found.

12 So we've contacted all of those companies,
13 all four of them, and ordered them removed.

14 JUDGE TOREM: Mr. Perkinson, what do you know
15 about these phone numbers working or not working?

16 MR. PERKINSON: Your Honor, I didn't call the
17 phone numbers listed in the advertisements.

18 I brought this case because of the complaint
19 that had come into the Commission regarding A Father and
20 Fast Careful Sons. It's my understanding that Sheri Hoyt
21 with Commission staff received a complaint regarding this
22 company. She obtained a business card, which shows the
23 company's name, and then also spoke with Mr. Campbell
24 regarding the move, at which point he told her that he was
25 aware that he was operating illegally and didn't care that

0034

1 the Commission required permits.

2 JUDGE TOREM: So it's a different story than
3 you're hearing today?

4 MR. PERKINSON: Yes, your Honor.

5 JUDGE TOREM: Mr. Campbell, do you remember
6 talking to Ms. Hoyt about this?

7 MR. CAMPBELL: To who?

8 JUDGE TOREM: Sheri Hoyt, another --

9 MR. CAMPBELL: Yes. I know. We arranged the
10 move for her.

11 JUDGE TOREM: She would have worked for the
12 Commission.

13 I'm a little confused, Mr. Campbell, as to
14 what's going on here.

15 MR. CAMPBELL: We had a considerable amount
16 of referral business in the past. And some of it still
17 comes.

18 JUDGE TOREM: But if your business is
19 retirement --

20 MR. CAMPBELL: If somebody calls, I refer it
21 to some friend that would do some moving, that would move
22 such a person. Yeah.

23 JUDGE TOREM: Okay. I guess what I'm hearing
24 is two different things, and I'm a little confused.

25 One, you're telling me you're not doing any

0035

1 moves.

2 MR. CAMPBELL: That's correct.

3 JUDGE TOREM: But you're referring moves to
4 people who may or may not have a permit?

5 MR. CAMPBELL: I don't know whether they do
6 or not.

7 JUDGE TOREM: All right. And that's really
8 between them and the Commission.

9 MR. CAMPBELL: Yes.

10 JUDGE TOREM: It would be helpful if you
11 weren't referring folks to an unpermitted mover. But that's
12 not why we're here today.

13 MR. CAMPBELL: No.

14 JUDGE TOREM: The other story I'm hearing is
15 that Mr. Perkinson said you spoke to our other investigator
16 about the move; that she has a business card that apparently
17 has your name on it, a separate consumer complaint case, and
18 that she got it from the people that were moved.

19 MR. CAMPBELL: Yes. I'm aware of the --

20 JUDGE TOREM: For my purposes today, all I
21 need to know is you said you want to cease and desist
22 operating illegally. You'd rather retire.

23 MR. CAMPBELL: Yes, sir, I am retired. And
24 personally, I don't intend to do any more moving business
25 and haven't since '07.

0036

1 But I have a grandson that will soon be
2 returned from his missionary. And he'll be home in October,
3 and he's indicated an interest in getting the permit back.
4 And so with that in mind, then -- and I've associated myself
5 with the Washington State Utilities for a long time. And so
6 I would like to pursue that if he's interested. If he's
7 not, why --

8 JUDGE TOREM: Well, certainly. The only
9 thing I can see standing in your way of getting a permit
10 later is if we found you were able to continue operating
11 without and just disregarded the Commission's rules. If
12 that were the case, it would be likely that they would deny
13 your application and not let even your grandson come in
14 under the same name and this association.

15 So I'm not going to worry about digging in
16 and finding out what the truth is about last October's move
17 for today's docket. If there's a consumer complaint, that
18 can be pursued separately.

19 But today it's a question of you say you
20 don't have a permit and you're not going to operate?

21 MR. CAMPBELL: That's correct.

22 JUDGE TOREM: And if you sign an order that
23 you heard me talking to Mr. Twiggs from the jail in Idaho,
24 we're going to hold you to it.

25 MR. CAMPBELL: Good.

0037

1 JUDGE TOREM: So if there's a penalty
2 involved, and there's a suspended penalty, if you do operate
3 again you'll be held for the whole amount.

4 MR. CAMPBELL: All right.

5 JUDGE TOREM: And if there's an obligation to
6 be paid and you want to renew your permit, that won't be
7 allowed until the penalty is paid in full. Do you
8 understand that as well?

9 MR. CAMPBELL: Right.

10 JUDGE TOREM: Okay. I think we understand
11 what choice you want to make here.

12 Mr. Perkinson, what's the Commission's
13 recommendation in the case for Mr. Campbell?

14 MR. PERKINSON: Your Honor, Commission staff
15 recommends David Campbell, doing business as A Father and
16 Fast Careful Sons be assessed a financial penalty in the
17 amount of \$5,000 for two violations of RCW 81.80.075.1.

18 A \$4500 portion of the penalty will be
19 suspended for two years from the date of the order and
20 waived subject to the condition that Mr. Campbell, doing
21 business as A Father and Fast Careful Sons refrains from
22 further operations as a household goods carrier without
23 first obtaining a permit from the Commission.

24 The remainder of the penalty, \$500, would be
25 subject to a payment schedule attached to the order that Mr.

0038

1 Campbell and I could negotiate.

2 JUDGE TOREM: So Mr. Campbell, what's your
3 recommendation on how I handle this?

4 MR. CAMPBELL: Well, since I'm retired and on
5 Social Security, I would rather be entirely out of it unless
6 my grandson shows an interest. I have a lot of background
7 information on moving, and so if he shows an interest I'd
8 like to help him. But that's in the application and renewal
9 of the permit.

10 But otherwise I'm retired, and intend to stay
11 that way. I personally haven't done any moving for quite a
12 long while.

13 JUDGE TOREM: I'm just a little bit confused
14 as to how this case would have got here.

15 MR. CAMPBELL: The referrals come to me still
16 from the many years of moving that I've done before. And so
17 somebody calls and wants me to move them, I tell them, well,
18 I'll send somebody out that can do that. And I call
19 somebody and ask them if they want to do that. And that's
20 the way we move such people. But we --

21 JUDGE TOREM: It sure sounds to me, Mr.
22 Campbell, like you're arranging these moves; that you're
23 running a business still, even if you're hiring out work to
24 other people. And I think if I was on the phone, I'd sure
25 think I hired you. So we have to find a different way for

0039

1 you to do business.

2 So if you continue to conduct yourself in the
3 way you're describing, you're going to end up liable for the
4 whole \$5,000 if I impose a suspended penalty, because the
5 Commission is going to call you in a few months and test
6 you. And if you arrange a move for them, that \$4500 is
7 going to come down, Social Security or not. They're going
8 to go after it.

9 MR. CAMPBELL: I understand. But I find it
10 difficult to turn people down that have relied on me for
11 years. But I can do that. I'll get out of it entirely.

12 JUDGE TOREM: Well, if you get a permit, you
13 can do what you want under the terms of the permit.

14 But if you don't have a permit and the staff
15 come back before me or another judge, it sure sounds to me
16 like you're conducting a household goods business, but
17 you're trying to not have a permit and have other people do
18 the work for you. I don't know if you're realizing any of
19 the income, but you're accepting all the liability and
20 running a business with this operation.

21 MR. CAMPBELL: I desire to be out of it. And
22 I basically am 90 percent out of it, more than that. So
23 it's not a big problem. Cease and desist is what --

24 JUDGE TOREM: Now Mr. Perkinson is
25 recommending you pay a \$500 penalty. How long would it take

0040

1 you to pay such a penalty on your apparently fixed income?

2 MR. CAMPBELL: It would not be very easy. It
3 would not be very easy.

4 JUDGE TOREM: I'm going to consider a payment
5 schedule that you and Mr. Perkinson can talk about on the
6 break. But I think that if you're agreeing to cease and
7 desist, that I'm going to follow the recommendation, unless
8 Mr. Perkinson comes back after the break and tells me he's
9 heard something different from you, to recommend that you
10 pay the \$500 on a term that you can afford over time. We'll
11 sort out what the schedule might be.

12 I don't want you to miss any payments. I'd
13 rather set you up to succeed and make sure you're in
14 compliance. I don't want to set up anybody that came down
15 here today to have a \$5,000 penalty eventually chasing them.

16 But if you're going to get a permit, get one.
17 If you're not, then stay out of the business.

18 MR. CAMPBELL: My wife has had a major
19 accident a couple years ago, and not quite lost her life.
20 And she's in a wheelchair ever since. It was on the Green
21 Valley Road. And with the year and five days in the
22 hospital altogether, recovery at Harborview, we have medical
23 costs well over \$300,000. Medicare took care of the
24 majority of that, but still is very many bills that are not
25 paid and can't be paid. We have Medicaid, and that took

0041

1 care of most of them. But I have considerable need for
2 money. And so it's difficult to just turn away everything.
3 But...

4 JUDGE TOREM: Again, Mr. Campbell, I don't
5 want to put you in further financial straits.

6 What I do want to do is put you in compliance
7 with this Commission's rules and regulations. Our mission
8 is to protect the public. And by doing so, the household
9 goods operators out there have to have a permit. We verify
10 that they have insurance. We verify that the company has
11 done everything they need to with their trucks and
12 understands how to charge people under the tariff and the
13 right rates and understands the obligations involved with
14 the paperwork, bills of lading, and everything else.

15 So there's a way to do business right and
16 there's a way to do business that gets you back here the
17 next time we have Movers Court, or into Superior Court.

18 If you're going to agree to the cease and
19 desist order, we're going to hold you to the terms of it.

20 If you could talk to Mr. Perkinson at the
21 break and we come up with a different number other than \$500
22 that the Commission staff wants to recommend, I'll consider
23 it, okay?

24 MR. CAMPBELL: Yes, sir.

25 JUDGE TOREM: Why don't you step back and

0042

1 I'll call the next case.

2 We're going to switch to Docket TV-130325,
3 Advanced Moving and Packing.

4 Mr. Suedel, if you'll step up to the table,
5 sir.

6 I'll see if I can accelerate this. My time
7 estimate is grossly inadequate so far. We're already at
8 10:25.

9 Mr. Suedel, do you have a copy of the
10 declaration of Mr. Perkinson in front of you?

11 JUDGE TOREM: Yes, I do.

12 JUDGE TOREM: Mr. Perkinson, I'm just going
13 to take the stick here and move it along.

14 Mr. Suedel, this is Docket 130325. Are you
15 the owner of Advance Moving and Packing?

16 MR. PERKINSON: Yes, I am.

17 JUDGE TOREM: Let me go over what the
18 Commission's alleged and then I'll swear you in if you want
19 to explain anything.

20 Apparently in June 2012 the Commission found
21 some advertisements in your company's name, did a search and
22 figured out you didn't have a permit.

23 Then they sent you a letter asking you to
24 stop, and then this past January they still found your
25 advertisements on Yelp and Facebook.

0043

1 MR. SUEDEL: That's correct.

2 JUDGE TOREM: And they also looked at further
3 advertising they found in February on Craigslist.

4 And there was an e-mail sent to
5 laileyalison@gmail.com responding to that Craigslist
6 advertisement using an assumed name and asking for a quote.

7 And apparently what they got back from
8 Advancedmovingandpacking@gmail.com was offering moving
9 services for four hours of work was \$320, two men, and a
10 fully equipped moving truck.

11 Do you have any idea about that response?

12 MR. SUEDEL: Absolutely. Yes. I was the one
13 that responded to it.

14 JUDGE TOREM: Okay. So is there any question
15 that this occurred?

16 MR. SUEDEL: Not at all.

17 JUDGE TOREM: And you've already heard a
18 couple cases go through. How do you want to proceed with
19 your company today?

20 MR. SUEDEL: I plan on ceasing and desisting.
21 And I have taken the steps towards that that I have proof of
22 today.

23 JUDGE TOREM: Okay. Let me swear you in and
24 I'll hear about those.

25

0044

1 JUSTIN SUEDEL, having been duly sworn, testified as
2 follows:

3

4 JUDGE TOREM: Thank you.

5 What have you done to take care of these
6 advertisements on various places or to stop operating as a
7 household goods permit -- without a permit?

8 MR. SUEDEL: Well, first off I found the
9 specific advertisements that were spoken about, including
10 Facebook, Yelp, Craigslist and Thumbtack. And I have pages
11 here that show that I've deleted each one of them.

12 And there should not be any ads online other
13 than a Yelp ad, which I'm having problems getting them to
14 take down because I don't have access to the account because
15 I deleted the e-mail before I deleted the Yelp. It's kind
16 of a problem. But I have sent them, you know, some
17 information claiming it as my business and letting them know
18 that it's shut down and I'd like to take it down.

19 JUDGE TOREM: Do you plan on getting a permit
20 or continuing the business lawfully, or are you planning to
21 just get out of the business?

22 MR. SUEDEL: I recently last week was hired
23 full time as an apprentice electrician. And I plan on
24 pursuing that goal and not doing any moves at all.

25 JUDGE TOREM: Mr. Perkinson, what's the

0045

1 Commission's view?

2 Have you taken a look at Mr. Suedel's
3 correspondence with the ad companies or the other pages?

4 MR. PERKINSON: Your Honor, I haven't looked
5 at the ads that he's brought or the proof that he's brought
6 in today.

7 I did check yesterday morning, and the
8 advertisements were all removed except for, as he stated,
9 the Yelp advertisement.

10 And I did see that the Facebook advertisement
11 is up. I don't know if he removed that today.

12 MR. SUEDEL: Yes, I do have proof of removing
13 that recently.

14 JUDGE TOREM: So what's the Commission's
15 recommendation in this cease and desist case?

16 Would it be similar to the other ones we've
17 gone over?

18 MR. PERKINSON: Yes, your Honor.

19 JUDGE TOREM: So the \$5,000 penalty for
20 responding to the ad or the advertisement, \$4500 suspended,
21 and a payment of \$500?

22 MR. PERKINSON: Yes, your Honor.

23 JUDGE TOREM: You said, Mr. Suedel, that you
24 would be able to get an apprentice electrician job. I
25 assume that's a paying job, not just an apprenticeship.

0046

1 MR. SUEDEL: I honestly haven't inquired yet.
2 I'm so happy to have a job, I didn't ask.

3 JUDGE TOREM: I understand. The economy has
4 been difficult.

5 You've heard the recommendation. It's been
6 pretty consistent. Do you think that's a fair
7 recommendation, or do you have something else you'd like to
8 recommend?

9 MR. SUEDEL: I believe my circumstances might
10 be different. Even though I do have the job offer that I
11 plan on starting on Friday, I'm currently homeless and in
12 search of the tools that are necessary to have my job.

13 Two years ago I applied for the
14 apprenticeship card, and that was basically only the
15 requirement that they had other than all the tools. But I'm
16 working hard to gather them now. But after I gather the
17 tools and am able to start getting to work, I'm -- you know,
18 I plan on finding a place to live because right now I'm
19 staying in the U District in shelters and it's been really
20 rough. Depending on the time scale that's provided, you
21 know, it's either possible or not.

22 JUDGE TOREM: Okay. I have the Commission's
23 recommendation of that \$500. And payment schedules can be
24 flexible and extended. But we'll see what you and Mr.
25 Perkinson and other staff members might agree to. Hopefully

0047

1 we'll come up with an agreed amount.

2 I'm not firm on any of these. We have a
3 standard recommendation, as you're starting to get the
4 pattern. But we'll see what your case merits if you can
5 explain that further to staff.

6 Anything else you want to explain to me at
7 this point?

8 MR. SUEDEL: No.

9 JUDGE TOREM: Thank you, Mr. Suedel, for
10 coming down. I appreciate that. Mr. Perkinson or one of
11 the staff will help get your case moving along.

12 MR. SUEDEL: Thank you.

13 JUDGE TOREM: We have three more to call this
14 morning.

15 Let's switch to docket TV-130326, Mr. Tom
16 Harris and Big Earl's Moving and Hauling.

17 Good morning, Mr. Harris. How are you?

18 MR. HARRIS: Good morning.

19 JUDGE TOREM: Hope I'm still in a good mood,
20 right?

21 MR. HARRIS: Yes. Yes, I do.

22 JUDGE TOREM: As we talked about earlier
23 downstairs.

24 MR. HARRIS: Yes.

25 JUDGE TOREM: Your case, you don't have the

0048

1 paperwork in front of you, but let me remind you what Mr.
2 Perkinson's declaration said: That I think in January of
3 2011, it goes back to, if the dates are right here, they had
4 some investigation in your company's activities.

5 There were some advertisements. And Ms.
6 Rayne Pearson, who was Mr. Perkinson's predecessor in this
7 job and is still a Commission employee, sent you a
8 compliance letter. Do you remember getting some
9 correspondence from the Commission a couple years back?

10 JUDGE TOREM: Well, your Honor, what I do
11 remember is discussing the issue with someone about my
12 Craigslist list account.

13 And to be totally candid with you, I was told
14 that what I was doing was irregular and the like. So I took
15 down the Craigslist. And I am computer illiterate.

16 JUDGE TOREM: What I've got here in the
17 declaration is that somewhere at the end of January 2011 you
18 had this conversation. And you were going to take down the
19 website and promise pack and load services only.

20 And then there was a follow-up in July of
21 2012

22 MR. HARRIS: Okay.

23 JUDGE TOREM: So let me just catch up. And
24 then I want to swear you in so anything you tell me is under
25 oath.

0049

1 MR. HARRIS: Okay.

2 JUDGE TOREM: There was a compliance letter
3 in September of last year. And yet there were still a
4 number of advertisements in January.

5 And then when Mr. Perkinson called in
6 February, using an assumed name, he wanted a quote for two
7 men and a truck for a two-bedroom apartment in Bothell to
8 move somewhere a few miles away. And he says he spoke to
9 Earl if the company would be available. And a male person
10 answered the phone, said he was Earl, and provided a quote
11 of \$80 an hour.

12 So I'll swear you in so you can respond to
13 that.

14

15 THOMAS HARRIS, having been duly sworn, testified as
16 follows:

17

18 JUDGE TOREM: So you've heard what the
19 allegations are. They're saying that there are still
20 advertisements, and that there was a move requested and it
21 was responded to in February.

22 MR. HARRIS: All that I -- yes.

23 JUDGE TOREM: Okay. So you started to tell
24 me about Internet --

25 MR. HARRIS: Well, the part about the

0050

1 Internet part, like I said, I'm illiterate in the computer
2 thing, you know. So I paid a friend to get me on it so I
3 could do all this nifty stuff. And I asked him to take it
4 down back in 2011.

5 Hence I couldn't even do a move because I had
6 treatable but incurable prostate cancer. That's what I have
7 now. So I went through -- you know, through the two-year
8 period I went through all this hormone and radiation and all
9 that. So I was unable to do the job, do any job.

10 JUDGE TOREM: I'm not worried so much about
11 2011.

12 MR. HARRIS: Yes, sir.

13 So hence come the time now, I didn't know
14 that it was still up, is what I'm saying, to make it short.
15 I didn't know that the site was still up.

16 JUDGE TOREM: Okay.

17 MR. HARRIS: When Matt, if I could be so
18 bold, when Matt got in contact with me, I got on the job and
19 I contacted the guy who put the sites up and had him take
20 them down.

21 I would like to cease and desist, in short.

22 JUDGE TOREM: Okay. What happened with this
23 phone call back in February?

24 You said it was true, that a promise was made
25 to move?

0051

1 MR. HARRIS: Well, basically -- basically me,
2 myself, you know, I'm broke. I don't have any money. I'm
3 on disability. I'm disabled at this point.

4 So someone calls in and offered me, yes, I
5 did do that.

6 JUDGE TOREM: Okay. I appreciate your
7 honestly on that and taking responsibility that it did
8 happen.

9 You've heard me preach the same thing. I
10 don't want to set you up for failure. If the next time the
11 phone rings you're going to say yes, and it happens to be
12 Mr. Perkinson with his voice disguised or his name changed,
13 then that disability check won't be going to support your
14 house. It will be going to pay the Commission. And I'd
15 rather not have your money coming into the Commission.

16 MR. HARRIS: Yes, sir. At this point I'd
17 like to take advantage of seeing how I can -- if my health
18 gets better, to get the required paperwork and
19 documentation.

20 JUDGE TOREM: But until you get it, you
21 understand you can't operate?

22 MR. HARRIS: Yes.

23 JUDGE TOREM: So let me hear about what the
24 recommendation from the Commission is or if Mr. Perkinson
25 has any questions.

0052

1 MR. PERKINSON: The recommendation is similar
2 to the others, a \$5,000 penalty.

3 JUDGE TOREM: Standard recommendation?

4 MR. PERKINSON: Yes, sir.

5 JUDGE TOREM: Mr. Harris, the standard
6 recommendation is pay \$500 now or over a course of months
7 that you agree to with the Commission and have the other
8 \$4500 hanging out there for two years, meaning if you get
9 caught again, then that \$4500 would be due without any
10 further proceedings. You don't want a collection agency
11 coming after you for that, but that's how we handle business
12 here.

13 Do you think that's a fair recommendation, or
14 do you want to try to tell me something else?

15 MR. HARRIS: Well, the \$500 would, you know,
16 that \$500 laid in front of me would be a hardship. I'm on
17 disability.

18 JUDGE TOREM: Understood.

19 MR. HARRIS: But I do understand why I'm
20 here.

21 JUDGE TOREM: Let me again refer that your
22 individual case, if the number comes back, the
23 recommendation changes because you persuade one of the
24 Commission staff, I'm going to be considering your case and
25 all of other ones while we're out. They'll put up an agreed

0053

1 order and I can always, when I sign it, change the amount to
2 a sum that I feel, based on what I thought about, is
3 appropriate for the case.

4 MR. HARRIS: Okay.

5 JUDGE TOREM: I think the standard
6 recommendation tends to be followed. But again, I'm going
7 to consider each case as it comes forward to me and press on
8 with that.

9 If you're ready to negotiate that, I'll call
10 the next case. And once we come back from the break, we'll
11 see what we end up ordering on paper.

12 MR. HARRIS: Okay.

13 JUDGE TOREM: Thank you Mr. Harris.

14 Next case, I'm going to see if he's shown up,
15 TV-130327, Jeffrey Johnson, Jeff's Express Movers.

16 They still have not made an appearance.

17 So we'll turn to TV-130328, Mark's Pro Movers
18 and Mark Schueller.

19 Sir, you're here, so if you'll step forward.
20 Mr. Schueller, let me just swear you in right away.

21

22 MARK SCHUELLER, having been duly sworn, testified
23 as follows:

24 JUDGE TOREM: Can you spell your last name??

25 THE SCHUELLER: Yes. S-C-H-U-E-L-L-E-R.

0054

1 JUDGE TOREM: And I have your name as Mark
2 with a K?

3 MR. SCHUELLER: Correct.

4 JUDGE TOREM: All right. Mr. Schueller, I
5 see you have some paperwork in front of you, the declaration
6 of Mr. Perkinson that was provided. Did you have a chance
7 to review that?

8 MR. SCHUELLER: I did.

9 JUDGE TOREM: And this one says that you came
10 to the attention of the Commission back in September last
11 year.

12 And on September 18, 2012, Mr. Perkinson sent
13 you a letter asking to you stop advertising and operating
14 without a permit. Do you remember that letter?

15 MR. SCHUELLER: I do.

16 JUDGE TOREM: Okay. And apparently in
17 February of 2013, Mr. Perkinson's declaration says he still
18 found advertisements out there. And on February 14 he found
19 them on ocregister.com, listings.expressupdateUSA.com, a
20 local Yahoo! page, a directory for a PNW Marketplace -- I
21 imagine that's Pacific Northwest Marketplace -- a
22 promovers.net, and even a web card at ubl.org. So some
23 proliferation of advertising.

24 MR. SCHUELLER: Yes.

25 JUDGE TOREM: And on February 20, an e-mail

0055

1 was sent to Mark_Schueller@yahoo.com replying to the web
2 card ubl.org and got a response quoting \$90 an hour for two
3 men and a 24-foot box truck.

4 Are you familiar with all of that?

5 MR. SCHUELLER: I remember the quote.

6 But I don't understand where all these other
7 little advertising deals came from. I have someone who
8 takes care of that.

9 And as soon as I got a phone call from him,
10 he told me, "Make sure you try to shut down as much
11 advertising as you can." I did that.

12 JUDGE TOREM: How did you go about doing
13 that?

14 MR. SCHUELLER: I called the guy who does
15 advertising for me and had him shut my web page down with my
16 phones and voice mail and things too as well.

17 JUDGE TOREM: Can you pull that microphone a
18 little closer. I want to make sure that I and the court
19 reporter can hear you.

20 Which one is your website?

21 MR. SCHUELLER: Promovers.net.

22 JUDGE TOREM: And as far as you know, it's
23 been shut down?

24 MR. SCHUELLER: Yes, it has been.

25 JUDGE TOREM: And these other ones?

0056

1 MR. SCHUELLER: I think they all spider
2 together. I've never even heard of any of these little
3 company deals. I don't know how that works.

4 But I told him shut down everything until I
5 can come here, try to get everything in order. And then as
6 soon as I get back from today's hearing, if it's -- then I'm
7 going to tell him what's going on from there because I do
8 want to get things in order.

9 JUDGE TOREM: So what are you wanting to do
10 today?

11 MR. SCHUELLER: I want to get the
12 certificate. I'm hopeful to get the certificate.

13 JUDGE TOREM: And do you understand you can't
14 operate until you get it?

15 MR. SCHUELLER: Yes.

16 JUDGE TOREM: So you're not contesting that
17 the move offer and quote was given?

18 MR. SCHUELLER: Yes, I gave that quote.

19 JUDGE TOREM: And you're not contesting that
20 your Promovers.net was up?

21 MR. SCHUELLER: The web page was up at that
22 time.

23 JUDGE TOREM: So at least one advertisement
24 was out there and at least one offer to perform a move
25 without a permit?

0057

1 MR. SCHUELLER: That's correct.

2 JUDGE TOREM: Mr. Perkinson, have you had a
3 chance to verify any of the cease and desist activities that
4 he's described?

5 MR. PERKINSON: Yes, your Honor. I went to
6 the Promovers.net website yesterday morning and it is
7 inactive.

8 Also the Pacific Northwest Marketplace one
9 was inactive.

10 A couple of the other ones were still active.
11 As he stated, it could be that it's being pulled from a
12 different advertisement.

13 JUDGE TOREM: Okay. I've seen this, Mr.
14 Schueller, before over the course of these proceedings. The
15 Internet advertising, like you say, may be unsponsored,
16 unsolicited, that they take something and put it up.

17 But we do hold you responsible that they
18 figured out you had a business. It should have been
19 permitted. If it was permitted, it would have been good
20 free advertising. At this point it's a liability for you
21 until you get a permit.

22 We're not that hard up on these other ones
23 that you can't control. I appreciate you've taken some
24 effort. If you'll continue those efforts, it will insure
25 that we at least have some circumstances where each time you

0058

1 get a phone call from the Commission you're hammering away
2 or sending a letter or doing something to show us you're
3 trying not to break the rules and break the law.

4 MR. SCHUELLER: Yeah, I don't want to do
5 that.

6 JUDGE TOREM: We'd rather you didn't either.
7 I anticipate, Mr. Perkinson, you're going to
8 make a standard recommendation if he chooses to cease and
9 desist until he gets a permit?

10 MR. PERKINSON: Yes, your Honor.

11 JUDGE TOREM: So, Mr. Schueller, you've heard
12 that recommendation a few times today. It's a \$5,000
13 penalty. It's half of the maximum for the one
14 advertisement, one move solicitation. \$4500 will be
15 suspended and \$500 payable as penance, I guess for trying to
16 have a business without a permit subject to having an
17 agreeable payment schedule.

18 Did you want to see something different?

19 MR. SCHUELLER: No, I'll agree with that.

20 JUDGE TOREM: Then we'll get on to the next
21 -- the last case on the docket this morning who is present,
22 I think, and then have your case come back and have an
23 agreed order ready to enter shortly.

24 MR. SCHUELLER: Okay.

25 JUDGE TOREM: The last one I know is here is

0059

1 Mr. Wade Taylor, Docket No. TV-130329, Professional
2 Relocations Moving Company?

3 MR. TAYLOR: Good morning to the Court.

4

5 WADE TAYLOR, having been duly sworn, testified as
6 follows:

7

8 JUDGE TOREM: Mr. Taylor, your name seems
9 familiar. Did we meet about a year ago in a couple of
10 these?

11 MR. TAYLOR: Yes. I want to say I'm sorry
12 for being here again.

13 JUDGE TOREM: That's okay. I want to make
14 sure it wasn't a different Wade Taylor.

15 MR. TAYLOR: No. That was me. I was here
16 about two years ago.

17 JUDGE TOREM: So let me turn to your case,
18 again, 130329. And if I have it right, Mr. Perkinson's
19 declaration talks about your case was Docket TV-121650 back
20 in October. And your permit was suspended for 30 days for
21 lack of insurance. And then you must have gotten a permit
22 after we last spoke?

23 MR. TAYLOR: Yes. I was doing very well last
24 time I was here, you know, abiding by rules.

25 I'd just like to say that I have no desire to

0060

1 skirt the law and be an illegal carrier. You know, I desire
2 to be a respected business in my community. And I'm well
3 known there and, you know, my business is popular in the
4 community.

5 Basically, last year -- you know, moving is
6 kind of seasonal. Last year I broke a bone in my foot. And
7 being an entrepreneur, no insurance, kind of put me out for
8 the summer and I wasn't able to continue paying -- you know,
9 it's about \$1,000 for my cargo insurance. I just flat
10 wasn't able to continue paying on that at the time.

11 And being that I was out of commission myself
12 last year, I just couldn't do it. I should have notified
13 you guys.

14 But anyway, I would like to get back in
15 business and --

16 JUDGE TOREM: So when they canceled your
17 permit back in November, they still found advertisements up
18 in February; and that whole assumed name requesting a quote,
19 on February 14 here; and it says on February 19 there was a
20 response from an e-mail address called qualityrelo@yahoo.com
21 offering moving services at \$85 an hour for two men and a
22 truck. And you were listed as the contact person?

23 MR. TAYLOR: Right.

24 JUDGE TOREM: So did that actually happen?

25 MR. TAYLOR: I don't doubt that it did. I

0061

1 don't remember specifically.

2 JUDGE TOREM: Okay. So if I'm hearing you
3 right, you had a permit and were going along until you
4 couldn't afford your insurance anymore?

5 MR. TAYLOR: Exactly. I got into debt and I
6 couldn't pay it.

7 Right now I'm healthy now. And you know, I
8 want to resume, you know, activity and make something out of
9 myself doing this.

10 JUDGE TOREM: You're in Bremerton; is that
11 right?

12 MR. TAYLOR: Yes.

13 JUDGE TOREM: All right. So at this point,
14 what do you want to do today to resolve the current
15 complaint?

16 MR. TAYLOR: I would like to reapply for my
17 permit if I could.

18 JUDGE TOREM: Okay. Well, until you get it,
19 you understand the Commission is going to expect you're not
20 operating?

21 MR. TAYLOR: Right. I do have another means
22 of income right now. And like I said, I've been here before
23 and I kind of know the layout.

24 I'm still operating as like a U-Haul loader
25 or actually, you know, packing belongings; you know what I

0062

1 mean?

2 JUDGE TOREM: Pack and load?

3 MR. TAYLOR: Yes. But I agree not to
4 actually transport people's belongings because I realize you
5 guys are here for a reason. There's a lot of shady
6 companies out there. And I'm not trying to be that.

7 JUDGE TOREM: I appreciate your coming down
8 and being here to say that under oath and talk to me again.

9 Let me see what Mr. Perkinson's
10 recommendation is on your case.

11 MR. PERKINSON: Your Honor, it's going to be
12 standard recommendation, the \$4500 suspended of the \$5,000.

13 JUDGE TOREM: Okay. Mr. Taylor, does that
14 sound -- you couldn't afford the insurance before. This is
15 going to be another \$500 on top of whatever it takes you to
16 get your permit back. Is that agreeable to you?

17 MR. TAYLOR: I mean, if I had a little bit of
18 time, you know, I have a lot of things I'm putting together
19 right now. But if I had some time to pay it off, I could.

20 JUDGE TOREM: When we take a break here,
21 you'll have a chance to describe how long it's going to be
22 and then we'll hold you to it.

23 When we go on a break I'm going to go back
24 and take a look and see if I can figure out what we did with
25 you last time and make sure that all the payments were made

0063

1 and that case is clear.

2 I'm a little bit surprised that staff isn't
3 suggesting a harder penalty as sort of a repeat customer.
4 But, again you're back, which says enough on its own, but
5 you're back with a good attitude and a willingness to comply
6 verbally.

7 We don't have a three strikes law here at the
8 Commission. Our goal really is compliance. So if we're
9 going to have you comply, I want to believe you, but there's
10 a certain knowledge of the ways of the world I have from
11 being a lawyer for 20 years and being a judge at this
12 Commission for six and six at another agency. That's why I
13 want to look at what we talked about last time and make sure
14 that nobody else here wants to come back a second time,
15 because we do keep our records and we want to hold you to
16 it.

17 MR. TAYLOR: I understand where you're coming
18 from. Yes.

19 JUDGE TOREM: All right. So no need to harp
20 on that further.

21 Is there anything else you want to tell me
22 before we take our break?

23 MR. TAYLOR: No. I think I expressed myself.
24 You know, I'd like to be a respected company in my town.

25 JUDGE TOREM: Great. Thank you. So if you

0064

1 resume your seat, I'm going to give one more chance to Joedy
2 Smith and Moving Guys, TV-130332.

3 I haven't seen anybody else come in. So I
4 have the head shake. Nobody else signed in downstairs.

5 Mr. Perkinson, not at this time, but after
6 the break, we'll entertain any motions to hold The Moving
7 Guys and Jeff's Express Movers in default and enter orders
8 based on whatever the Commission's recommendations might be.
9 But I don't want to keep these folks waiting any further.

10 For everybody else, we've disposed of the one
11 case by phone.

12 There's five cases that need to be entered.
13 We have staff here ready to work with you based on the terms
14 that they've heard you discuss with me. The standard
15 recommendation has been made to each of you that \$500 be
16 paid. So be prepared to talk to staff about the terms under
17 which you can make the payment.

18 If you want to try to convince staff that it
19 should be a different number or come back and again pitch it
20 one more time to me, we can do that after the break.

21 Any questions on what we need to do at this
22 point?

23 Okay. Thank you. We'll be at recess.

24 It's now ten minutes to 11:00. Hopefully it
25 should take 20, 30 minutes. But Mr. Perkinson will send

0065

1 someone down to my office to get me when we're all ready,
2 and we'll just take the cases again in number order and get
3 you an signed order with your signature on it and mine, and
4 you'll know what you have to do to be in compliance.

5 Thank you. We're at recess.

6 (Recess from 10:50 - 11:30 a.m.)

7 JUDGE TOREM: It's 11:30, ready to go back on
8 the record. Mr. Perkinson has indicated that each of the
9 five movers that showed up today have had an opportunity to
10 talk with staff and come up with a recommendation that at
11 least the staff will be making and review the terms of the
12 order.

13 Mr. Perkinson, do you have an order of the
14 cases you wanted me to call them up?

15 MR. PERKINSON: I believe it should be the
16 order -- did you get the original orders?

17 THE COURT: Not yet. So we'll get those
18 handed up.

19 And we'll start with Mr. Campbell first,
20 TV-130324. Come on back up to the table, sir.

21 I've got in front of me a copy of the
22 proposed order stipulating that the business you were
23 conducting qualified as a household goods carrier business
24 and ordering you to cease and desist, imposing and
25 suspending penalties on condition of future compliance.

0066

1 And this has the recommendation that Mr.
2 Perkinson made earlier, that you be assessed a penalty of
3 \$5,000 with 4,000 of it suspended for a period of two years,
4 with a penalty of \$500 due and a \$100 payment each, starting
5 in June and the final total amount of 500 being due on
6 October 1, 2013. That's the penalty assessment -- it hasn't
7 changed -- in five \$100 payments.

8 Mr. Campbell, did you have a chance to talk
9 to Mr. Perkinson about this?

10 MR. CAMPBELL: Yes, sir.

11 JUDGE TOREM: Anything else you want me to
12 know about it before I decide if this is what I want to
13 rule?

14 MR. CAMPBELL: No.

15 JUDGE TOREM: And did you negotiate that
16 payment schedule with him?

17 Is that something you think you can afford to
18 make those payments?

19 MR. CAMPBELL: I think so.

20 JUDGE TOREM: All right. Then again, I want
21 to make sure you understand that the way the Commission
22 views what you've been doing, if you answer the phone and
23 somebody wants to move, if you don't have a permit, the
24 Commission is never going to look badly upon you if you say,
25 "No, I can't offer to move you. Here is another moving

0067

1 company, call them yourself." That will be fine.

2 But if you arrange the move, somebody ends up
3 with your business card, then this other \$4,500 could come
4 due on you. And all it's going to take is them finding out
5 that you're still advertising and that you answer that phone
6 number. All it's going to take is that they call and ask
7 for a move and you offer to provide it.

8 So I want to make sure before I sign this
9 that you understand you're going to pay \$500 over the course
10 of the rest of the year per the payment schedule, but I
11 don't want to have to see you pay any more of that income
12 that you're finding difficult enough to live on because you
13 continue to do something the Commission considers household
14 good moving.

15 MR. CAMPBELL: I understand.

16 JUDGE TOREM: So if you're retired, you're
17 retired.

18 I'm going to sign this, Mr. Perkinson, unless
19 there's anything else I need to know.

20 MR. PERKINSON: No, your Honor.

21 JUDGE TOREM: All right. Then I'm going to
22 enter this order now. I'll hand the original back to you,
23 Mr. Perkinson, to make sure that we get a copy to Mr.
24 Campbell.

25 Mr. Campbell, I wish you luck. And stay

0068

1 retired or come back and get a permit, okay?

2 MR. CAMPBELL: Thank you, sir.

3 JUDGE TOREM: The next case is going to be
4 Mr. Justin Suedel. This is TV-130325. Again, a similar
5 order here, Mr. Suedel, and it looks like the Commission is
6 still recommending that penalty of \$5,000 but they are
7 recommending that the entire penalty be suspended. So
8 they're not asking you to make any payment, but they're
9 asking you to make sure that you stay off the mover's rolls
10 and not offer any moving services for two years from the
11 date of the order.

12 So it appears they took into consideration
13 your homelessness?

14 MR. SUEDEL: Yes.

15 JUDGE TOREM: Good. Because I was going to
16 consider doing so if they didn't.

17 MR. SUEDEL: Thank you, your Honor.

18 JUDGE TOREM: I trust it's a hard enough
19 situation, and that getting the job as an electrician is
20 going to be a better way to make a living. I hope it works
21 out.

22 Do you have any questions about the order?

23 MR. SUEDEL: No.

24 JUDGE TOREM: So there's no payment due. But
25 in this order I'm going to put that \$5,000 deferral as a

0069

1 deterrent out there for two years.

2 So if it comes time that somebody calls and
3 wants to you do any moving because they found that Yelp ad
4 that you still haven't gotten taken down, you have to say
5 no. You understand that?

6 MR. SUEDEL: Absolutely.

7 JUDGE TOREM: I'm going to sign this order.
8 And I'm glad that you and Commission staff were able to
9 reach an agreement and that this isn't hanging out there
10 other than as a deterrent, but not a financial liability
11 that I'm not sure you could afford right now.

12 MR. SUEDEL: Right.

13 JUDGE TOREM: Anything else you want to tell
14 me about the situation, or is it back to Seattle?

15 MR. SUEDEL: It's back to Seattle soon.

16 I would like to say I have had to turn down
17 recent jobs, so I already have started that process.

18 JUDGE TOREM: Okay. Maybe you know somebody
19 else that has a permit you could refer them to. But stay
20 out of the business yourself.

21 MR. SUEDEL: Right.

22 JUDGE TOREM: All right. Good luck, Mr.
23 Suedel.

24 MR. SUEDEL: Thank you.

25 JUDGE TOREM: Switching now to Docket

0070

1 TV-130326, this is the case of Thomas Harris and Big Earl's
2 Moving and Hauling.

3 It appears to me that this is the same order
4 telling you to cease and desist and stay out like we talked
5 about. It says that we're going to have a \$4,500 penalty,
6 and then the \$500 payment is still going to be due and
7 payable. The payment schedule you've worked out is the
8 similar one I just mentioned with Mr. Campbell's case, \$100
9 per month starting in June. So you have about five or six
10 weeks to get the first payment in, and it will be monthly
11 until October 1. Is that what you negotiated with staff?

12 MR. HARRIS: Yes. That's what I negotiated
13 with him.

14 JUDGE TOREM: Okay. And do you have
15 something else you want to talk to me about?

16 MR. HARRIS: Well, yes, sir. Seeing that I
17 am on a fixed income and any new incurrences on my money is
18 outside of the parameters, what I would like to do is
19 discuss the door prize, you know, whatever -- I brought \$200
20 with me today. I'd like to just go ahead and be charged
21 \$200 today and be done with this grand finale.

22 JUDGE TOREM: So you want to put it all
23 behind you?

24 MR. HARRIS: Yes, sir.

25 JUDGE TOREM: We've done some things similar

0071

1 where people have paid before.

2 What I'm worried about, Mr. Harris, with you,
3 is that if the phone rings next week, you might say yes to
4 somebody. And what's still going to be outstanding here is
5 the suspended portion of the penalty, whatever it's going to
6 be.

7 MR. HARRIS: Yes, sir. I comprehend all
8 that. And I'd like to alleviate your worries, but I have
9 worries about making it back up I-5.

10 So I give you my assurance that I don't need
11 any problems in my life. And that's why I'm here today, is
12 to be in compliance. I have enough issues to deal with.

13 I would like to do what I said and ask your
14 -- for your lenience.

15 JUDGE TOREM: And I considered your medical
16 condition and I've thought about this. The one thing that
17 stands out from just saying "sold" is that we had a talk
18 with you, apparently in 2011, and this isn't your first
19 instance wrestling with the Commission.

20 MR. HARRIS: My understanding was different
21 then, though. What I understood from the person on the
22 phone was that I couldn't advertise that I had a truck.
23 That was the misunderstanding that I made.

24 JUDGE TOREM: Okay. I'll tell you what. Why
25 don't you take a seat again. I want to consider what you're

0072

1 telling me and think about it. I don't want to just rashly
2 say no, denied.

3 But I want to give it some more thought and
4 see what the other gentlemen here have to say, and then see
5 if we can work out something that allows you to make a
6 payment today so there's something in it for the Commission
7 today, not June 1, and maybe work out, if there's going to
8 be a lesser penalty, a different payment schedule. I am
9 willing to consider it, but I want to give it a little more
10 thought.

11 So let's take a few more minutes to get
12 through the other dockets. And I want to handle the default
13 cases.

14 So if you're willing to stick around for
15 another 10 or 15 minutes, I'll give it some more thought. I
16 can't promise it will be a different result, but you'll get
17 the benefit of some wheels turning.

18 MR. HARRIS: That's always good.

19 JUDGE TOREM: Thank you. I'm going to take
20 your case and set it aside.

21 Call Mr. Schueller, TV-130328. Mr.
22 Schueller, this is the cease and desist order we talked
23 about before we took a break. It looks like the standard
24 recommendation is being followed here, and it's captured in
25 a synopsis and also into the basic order portion of this.

0073

1 Have you had a chance to review the order?

2 MR. SCHUELLER: I have.

3 JUDGE TOREM: You looked at what it's going
4 to look like, this order?

5 I don't know if you saw a copy of it.

6 MR. SCHUELLER: No. I didn't. I thought it
7 was this paperwork here.

8 JUDGE TOREM: The order I'm looking at, the
9 key part you can see in an italicized synopsis, says that
10 you would have that \$4,500 suspended and \$500 due and
11 payable.

12 You've signed this page here that says you've
13 agreed, and you're asking to make it in the course of three
14 payments, June, July and August; is that your understanding?

15 MR. SCHUELLER: Yes, unless I can maybe make,
16 you know, full payment, would I be able to get, like, some
17 sort of discount if I pay like \$400 today?

18 JUDGE TOREM: I appreciate the bargaining. I
19 really do.

20 MR. SCHUELLER: 400 today and save me 100?

21 JUDGE TOREM: No, I wish we could do it that
22 way.

23 MR. SCHUELLER: I'll make the payments, then.

24 JUDGE TOREM: No. If you want to pay early,
25 you can always pay early and that way you know it's done.

0074

1 MR. SCHUELLER: All right.

2 JUDGE TOREM: But I'm going to enter this
3 order, then, for you to make those payments over three
4 times.

5 If you want to pay cash today and make sure
6 you don't miss that first payment, that's fine. And then
7 you just have to pay the balance by the end date. And in
8 your case, the last payment is due August 1.

9 MR. SCHUELLER: Yes. So I'll make a payment
10 today before I leave.

11 JUDGE TOREM: One of the staff will help you
12 make sure that gets processed and gets you a receipt and
13 gets into the system, probably with tomorrow's date, if I
14 recall correctly.

15 MR. SCHUELLER: Okay.

16 JUDGE TOREM: So I've signed your order, Mr.
17 Schueller. And I'll hand that back to the staff and get you
18 on your way.

19 Thank you for coming down, and hopefully we
20 don't see you back again.

21 MR. SCHUELLER: No, I don't think that will
22 happen.

23 JUDGE TOREM: I hope not.

24 Mr. Taylor, your case is, today, Docket

25 TV-130329.

0075

1 I went back and I looked, Mr. Taylor. When
2 we first set up this format, you were on the maiden voyage
3 and ended up agreeing to cease and desist for a period of a
4 year and pay a \$300 fine at that time.

5 It looks like today staff is recommending
6 that standard recommendation of a \$5,000 penalty, \$4500 of
7 it suspended, and a \$500 payment this time.

8 And as best I could tell, the one-year period
9 of time, that would have been a \$3,000 penalty, \$2700
10 suspended. If I remember the dates in the declaration, you
11 made it through that period.

12 MR. TAYLOR: All right.

13 JUDGE TOREM: This is a two-year period of
14 time.

15 I just wanted to draw the distinction between
16 when you were here last, it was a one-year period and you
17 made it.

18 This is a two-year period. So if I sign this
19 order, you're going to owe the \$500.

20 And the payment schedule you've negotiated
21 was three payments. Is that something that you worked out
22 with staff?

23 MR. TAYLOR: Yeah, the first of which being
24 today.

25 And I'd like to say I appreciate the

0076

1 leniency, since I have priors.

2 JUDGE TOREM: I just want to make sure with
3 that prior, that if the goal is compliance, that if you're
4 going to go back to having this business in Bremerton, that
5 you're able to do it, not have to come back for a third
6 time.

7 And this will be a total of \$800 you've paid
8 out of pocket to the Commission that hopefully could have
9 been better served with insurance or something else.

10 MR. TAYLOR: Right. Absolutely.

11 JUDGE TOREM: I'd much rather see you in
12 business doing good moves and getting good reviews and not
13 having troubles.

14 So is this agreeable to you, then, and you're
15 going to be able to make this?

16 And if you don't get your permit, that being
17 two years, that you can't accept the risk of another 4500,
18 which I assume would be crushing?

19 MR. TAYLOR: Yes, I understand that. And my
20 goal is to apply for the permit again as soon as possible.

21 JUDGE TOREM: Okay. Well, I'm going to sign
22 this order in and get you on your way to making a payment
23 today. And we'll make sure that staff gets it processed,
24 that you have the July 1 and August 1 payments that will be
25 due as well.

0077

1 MR. TAYLOR: Right. Thank you.

2 JUDGE TOREM: All right. Thank you.

3 Mr. Perkinson, before we take back up Mr.
4 Harris' case, let's turn to Docket TV-130327. This is
5 Jeff's Express Movers.

6 Have you had an opportunity to check voice
7 mail or anything else to see they're not here today, there's
8 nobody else here indicating they're from the company?

9 Have you had any contact with them as a
10 result of the enforcement action?

11 MR. PERKINSON: One second here.

12 I have not heard from the company this
13 morning. I didn't have any voice mails or anything as of
14 this hearing, and they're not in the room at this time.

15 JUDGE TOREM: Okay. Can you tell me whether
16 they know about the hearing, how they were served with the
17 notice?

18 MR. PERKINSON: Yes. The Utilities and
19 Transportation Commission works with ABC Legal. It's a
20 legal service company. And a mandatory appearance, a copy
21 of the order of the complaint, subpoena and declaration were
22 served on Mr. Johnson on March 23, 2013 at 7:19 p.m.

23 JUDGE TOREM: And do you have a description
24 of what the process server said in that case?

25 MR. PERKINSON: Yes. The process server said

0078

1 that the person served was John Doe, who refused to give a
2 name, but was listed as a co-resident.

3 JUDGE TOREM: John Doe was listed as a
4 co-resident, or they said they just didn't know who they
5 were?

6 MR. PERKINSON: The documents were served to
7 John Doe. The person refused to give their name. But they
8 have noted that it was a co-resident at that address.

9 JUDGE TOREM: How do they know it wasn't Mr.
10 Johnson?

11 Did they -- that just sounds confusing to me.
12 They served somebody at the address.

13 MR. PERKINSON: Yes, they did.

14 JUDGE TOREM: Did they give you anything
15 further that says they know it was -- he lived there?

16 MR. PERKINSON: I want to say that I heard
17 from Mr. Johnson himself, who had said that he was going to
18 be here today. I don't have that noted, unfortunately.

19 Okay. Here we go. I apologize, your Honor.
20 I spoke with Mr. Johnson on April 9, 2013, at which point I
21 reminded him of the time of the hearing and the possibility
22 of a default order being entered against his company, and
23 that if he didn't appear that it would carry a penalty of
24 \$5,000.

25 JUDGE TOREM: So the notice says they served

0079

1 it to somebody?

2 MR. PERKINSON: Yes.

3 JUDGE TOREM: And they think it's a
4 co-resident, but they didn't get a name. Do they have a
5 description?

6 MR. PERKINSON: Yes, they do.

7 JUDGE TOREM: I'll have you read it into the
8 record today.

9 MR. PERKINSON: A black male, approximately
10 35 to 45 years of age, 6' to 6' 6'' tall and weighing 180 to
11 220 pounds with glasses.

12 JUDGE TOREM: Okay. So maybe he weighs a
13 little less without the glasses?

14 MR. PERKINSON: That might be the case.

15 JUDGE TOREM: All right, then. So we know
16 somebody got served.

17 We know that you had a conversation with
18 somebody named Jeff Johnson since then. And you think he
19 knew about the case today?

20 MR. PERKINSON: Yes.

21 JUDGE TOREM: Did he say he was coming or not
22 coming?

23 MR. PERKINSON: He said he was planning on
24 attending.

25 JUDGE TOREM: Okay. But nothing else?

0081

1 that in the order at this time. So when you hand that up,
2 if that's in there I'll sign it, find him in default, have
3 him pay the full freight, \$5,000, or be responsible for it
4 in any case, and go from there.

5 If he does somehow get in touch with the
6 Commission, then I recommend the Commission advise him on
7 how to file that written order or petition seeking to have
8 this hearing reinstated. And we'll take up whether he had
9 good cause to miss today's proceedings at that time.

10 MR. PARKINSON: Okay.

11 JUDGE TOREM: So if you hand that up, I want
12 to make sure that notice on how to appeal is in there if he
13 chooses to read this.

14 MR. PARKINSON: I think it's on the last page
15 in the back.

16 JUDGE TOREM: I believe so. I think in the
17 prior iterations of Mover's Court, we've fine tuned that
18 part of the document.

19 So you have the portion in here that says he
20 failed to appear.

21 All right. So this notice provides him ten
22 days after he gets served with this default order to file a
23 written motion asking that this be vacated and we go back on
24 the record and hear what his case is if he has good cause.

25 So if the Commission used a legal service

0082

1 last time, or if there's another way to let him know this
2 order is coming so he understands that he's been held in
3 default, I would encourage you to make that extra effort so
4 that Mr. Johnson has every chance to get into compliance.

5 All right. I'll hand this back and we'll get
6 this order served out in the mail, and if we can, get it
7 personally delivered.

8 The next case is TV-130032. This is Joedy
9 Smith. And the name of the company is The Moving Guys.

10 Mr. Perkinson, what do you know about that
11 case?

12 MR. PERKINSON: Again, we work with ABC Legal
13 Service, the Commission does, and a mandatory appearance
14 letter and copy of the order and complaint, subpoena and
15 declaration were served at the address for Mr. Smith on
16 April 3, 2013 at 7:20 p.m.

17 The documents were served on Jane Doe, the
18 wife or ex-wife of Mr. Joedy Smith. Neighbors, apparently
19 at the residence, confirmed that it was the wife.

20 And I did bring the proof of service with me
21 today and the invoice from ABC Legal if you'd like me to go
22 over the details of that.

23 JUDGE TOREM: Do we know -- you referred to
24 her as the wife and the ex-wife. Do you know if he still
25 lives at that address?

0083

1 MR. PERKINSON: Your Honor, I did receive a
2 phone call from the wife. She said that he's no longer
3 living at that address, that he's actually been arrested.

4 JUDGE TOREM: So now, what was the date of
5 service?

6 MR. PERKINSON: April 3, yes.

7 JUDGE TOREM: And what was the date of your
8 conversation with her?

9 MR. PERKINSON: It would have been following
10 the service. So I don't know the date noted here. A couple
11 of days after the service was accomplished, she contacted me
12 and said Mr. Smith -- "my ex-husband" is how she referred to
13 the individual -- is in jail.

14 JUDGE TOREM: So he's in jail.

15 MR. PERKINSON: Correct.

16 JUDGE TOREM: Do you know, was he still a
17 resident on April 3 when it was served?

18 MR. PERKINSON: I don't believe so.

19 JUDGE TOREM: Were you able to verify that he
20 was in jail?

21 MR. PERKINSON: Yes, I was.

22 JUDGE TOREM: How did you do that?

23 MR. PERKINSON: I went to the King County --
24 I believe it's the district court website, and I was able to
25 find his name listed as incarcerated March 10, 2013.

0084

1 JUDGE TOREM: His last name is Smith. I
2 notice that his first name is spelled J-O-E-D-Y. Were you
3 able to find someone of that name in the jail?

4 MR. PERKINSON: Yes, I was.

5 JUDGE TOREM: I'm sure there's a lot of
6 Smiths.

7 MR. PERKINSON: And I did print that out
8 today, if you would like a copy.

9 JUDGE TOREM: Do you have any idea whether he
10 has notice of this?

11 Did the ex-wife say that he knows about this
12 problem, or is there any other record of communications?

13 MR. PERKINSON: It's my understanding that
14 the wife is not communicating that to him and doesn't want
15 anything to do with that anymore.

16 JUDGE TOREM: So she's not part of The Moving
17 Guy's business?

18 MR. PERKINSON: As far as I can tell, no.

19 JUDGE TOREM: So different than what we had
20 today with the wife in Richland and the owner of the
21 business in jail in Idaho.

22 What's the Commission's position on this one,
23 whether Mr. Smith can be held in default?

24 MR. PERKINSON: Commission would go ahead
25 with its recommendation to find Joedy Smith, doing business

0085

1 as The Moving Guys, in default under RCW 34-05-440 and WAC
2 480-07-450 for failure to appear at this hearing. Joedy
3 Smith, doing business as The Moving Guys, has also failed to
4 comply with the subpoena issued by the Commission which
5 commanded it to appear today.

6 JUDGE TOREM: What I'd like to do is have you
7 mark those documents as exhibits. And I'll gladly admit the
8 service.

9 But with your testimony indicating that the
10 ex-wife received the service, I'm not convinced that the
11 statute allowing for someone else that's an adult at the
12 home being served is going to be satisfied here.

13 Interestingly enough, in the appellate
14 advance sheets yesterday, there's a case that talks about
15 anybody above the age of 14 being acceptable by, I guess the
16 Supreme Court in this state, they can take your service. So
17 my own boys are almost of age to take legal process for me,
18 but not yet.

19 The ex-wife, though, if he doesn't live there
20 any longer and it's not his normal place of abode, I don't
21 know where he's going to live next, but I'm not inclined to
22 enter a default against him if we haven't had the Commission
23 met the requirements of the statute.

24 What I would encourage the Commission to do,
25 if it still wants to pursue Joedy Smith, if you're going to

0086

1 press with the recommendation today, I'm going to deny it.
2 I'm not going to sign the order.

3 I'll issue a separate order denying the
4 motion for default and explaining it. So we won't use the
5 form orders today. I'm taking on some work.

6 However, if the Commission wants to make
7 another attempt at service in the jail or find out what his
8 release date might be, that's the only way we're going to
9 get jurisdiction over him to pursue this.

10 MR. PERKINSON: I understand.

11 JUDGE TOREM: So go ahead and mark those as
12 exhibits, and we can put them in the records management
13 service system so that they're all existing.

14 But I'm not going to enter a form order today
15 holding him in default and finding him -- he very well may
16 be a mover just like everybody else that came down today,
17 but without his ability to answer I just feel that I can't,
18 without violating his due process rights, enter this order.

19 You know where he is now. It would be easy
20 enough to serve him and have a different hearing, but
21 without the default being met.

22 If he had lived at the house and gotten
23 arrested the next week, we could press ahead and I would be
24 more comfortable with that. But with your testimony today
25 that the ex-wife said he was arrested prior to the service

0087

1 and wasn't there anymore, I don't think he knows about this.

2 There's no other proof, is there, that shows
3 that he has any idea this is going on today?

4 MR. PERKINSON: No, just information that
5 that was his address.

6 JUDGE TOREM: So I'm thinking it would be
7 good cause to say, "You didn't serve me and I was in jail
8 and had no ability to make the arrangements that the
9 Commission did with the Idaho penitentiary."

10 So I'm not going to sign an order at this
11 point, but I'll be glad to take copies of that later.

12 MR. PERKINSON: Okay.

13 JUDGE TOREM: And I will -- I'm just going to
14 make a note here that I'm going to issue an Order 02
15 essentially denying the motion for default and explaining
16 it. That way, back in your section when your supervisor
17 takes a look on this case, she'll understand what I was
18 doing.

19 MR. PERKINSON: Sure, absolutely.

20 JUDGE TOREM: Any other cases that we need to
21 address before we come back to Mr. Harris?

22 MR. PERKINSON: No. Do you want me to hand
23 up the exhibits now or just hold on to them?

24 JUDGE TOREM: We'll take them up after we
25 handle Mr. Harris' case.

0088

1 All right, Mr. Harris. Let's go back to your
2 Docket TV-130326. Your counteroffer to me as opposed to
3 paying \$500 on this in five installments is you wanted to
4 pay \$200 today?

5 MR. HARRIS: Yes, sir.

6 JUDGE TOREM: The more I thought about it,
7 it's too steep a discount. I appreciate that you're making
8 essentially two payments up front.

9 But I understand, and I want to give you the
10 benefit of the doubt. 20 years experience tells me
11 sometimes I'm wrong to do that.

12 But if I give you the benefit of the doubt,
13 what's going to happen? You'll pay the \$200 today and some
14 additional amount that I'm going to set later, but you're
15 still going to have this balance of the \$5,000 penalty
16 outstanding.

17 MR. HARRIS: Yes, sir.

18 JUDGE TOREM: And if you come back here, you
19 can be pretty clear there's not going to be any further
20 extension of leniency.

21 MR. HARRIS: Yes, sir.

22 JUDGE TOREM: Okay. As long as you get that,
23 because we're -- the court reporter is taking it down,
24 clearly the Commission will have a record of what's going on
25 today.

0089

1 If I give you a break, then I wholly expect
2 you not to break any more Commission rules going forward.

3 MR. HARRIS: Yes, sir.

4 JUDGE TOREM: Now you said that you want to
5 do, if your health allows, the pack and load, and you want
6 to pursue whatever work you can. I appreciate the
7 difference and the difficulty in this economy.

8 Do you understand what it will take to keep
9 you out of hot water with the Commission if you see yourself
10 moving and you take on only pack and load?

11 MR. HARRIS: Yes, sir. With my disability
12 insurance, I won't be forced or, I feel, you know, forced to
13 do anything -- I want to be in compliance and I will be in
14 compliance.

15 And when my health gets a little better, I
16 will apply for the licensing and the particular documents to
17 be a full licensed mover. I've been moving off and on a
18 long time. And I won't go any further into it until I have
19 everything that is required of me to be a licensed mover.

20 JUDGE TOREM: You realize we do allow pack
21 and load. So if you feel that need to answer the phone and
22 say yes, you can, with limitations.

23 MR. HARRIS: Yes, sir.

24 JUDGE TOREM: You cannot advertise. If you
25 say "moving" in your ad, it's going to draw attention.

0090

1 MR. HARRIS: Yes, sir.

2 JUDGE TOREM: If you say "labor only," that's
3 going to keep you in the clear; is that correct, Mr.
4 Perkinson?

5 MR. PERKINSON: Yes.

6 MR. HARRIS: Well, you know, hence Big Earl's
7 Moving and Hauling, basically I just wanted to do hauling
8 like to the dump and stuff like that.

9 JUDGE TOREM: Be careful. That's a whole
10 different line of work that we regulate.

11 MR. HARRIS: All right.

12 JUDGE TOREM: I understand. A lot of it is
13 ignorance, but we don't cut you any slack for that being an
14 excuse. A lot of good intentions pave the road to a bad
15 place. I don't want you to get there unintentionally,
16 especially with this hanging over you.

17 MR. HARRIS: Okay.

18 JUDGE TOREM: If you want to be in
19 compliance, we're going to demand that you be in compliance.
20 And we regulate solid waste movers. If you haul garbage for
21 compensation over the roads in Washington, you have to have
22 a permit for that. Those guys with the big trucks, they do
23 some things like that.

24 If you do construction debris, some cleanup,
25 there are some small areas where it's allowed. But even

0091

1 that's up for debate amongst folks with better suits than
2 me, and well-heeled lawyers argue about how they have
3 territory.

4 So I don't want to see you back in on a
5 complaint that you're cutting into their businesses.

6 There's a lot of tempting things out there.
7 But I want you to realize that if it moves something on the
8 roads here, it's either the Utilities and Transportation
9 Commission that can tell you before you start up if we
10 regulate it and what the requirements are, or the Department
11 of Transportation also has its own issues.

12 The gentlemen in the back stop trucks
13 routinely that don't have U.S. Department of Transportation
14 numbers or WSDOT numbers. You see them at the weigh
15 stations or in some other fancy pickup trucks doing
16 commercial enforcement. They're out there looking for guys
17 like you who don't have a permit that go into that business.
18 So I don't want to you think --

19 MR. HARRIS: Understood.

20 JUDGE TOREM: There's a lot of things where
21 the government is regulating, and maybe we think that is
22 overregulation, but it is what it is. And I'm just here to
23 keep you on the straight and narrow.

24 And I'm going to give you the benefit of the
25 doubt. I'm going to knock \$200 off this fine.

0092

1 So I'm going to pencil the numbers in here
2 unless, Mr. Perkinson, you can quickly gin up something that
3 says \$4700 with \$300 payable, \$200 payable today.

4 And when do you want to pay the last 100?

5 Do you want to pay August 1?

6 MR. HARRIS: If I raid my girlfriend's change
7 purse, I can pay the whole 300 now.

8 JUDGE TOREM: I'm not going to put her on the
9 line today. You and I are making a deal. She's not in the
10 room.

11 \$200 will be due and payable today, and the
12 remaining \$100 by September 1.

13 So I'm going to ask Mr. Perkinson to put that
14 order together, and then I'm going to have you sign the
15 signature page.

16 So it's going to be \$4700 with suspended,
17 \$300 payable. The payment due dates are today for \$200 cash
18 and \$100 on September 1. Does that cut you enough of a
19 break?

20 MR. HARRIS: That's more than great. I'm
21 more than grateful.

22 JUDGE TOREM: I've got you on record as
23 saying that, so don't let me down.

24 MR. HARRIS: I don't want to let myself down.
25 \$5,000 is \$5,000.

0093

1 JUDGE TOREM: It is. So it's five minutes
2 after 12:00. We're going to take another brief recess. So
3 stay in place here. They'll gin up another copy of the
4 order and change the numbers around, and I'll sign that and
5 you'll be on your way, okay?

6 We'll be at recess.

7 (Recess from 12:04 - 12:09 p.m.)

8 JUDGE TOREM: Back on the record. It's ten
9 after 12:00. I've been handed up the Revised Order 2 in
10 your case, Mr. Harris. So it now says the \$4700 portion of
11 the penalty is suspended. The remainder is \$300.

12 So I want to make sure somewhere else in here
13 it doesn't say you have to pay more so it will be clear for
14 everybody.

15 Okay. So it's got it in both sections that
16 are necessary. The payment schedule now shows today, April
17 24, as the due date for \$200, and September 1 the payment
18 remaining for \$100.

19 MR. HARRIS: Yes.

20 JUDGE TOREM: So make sure you have a good
21 idea on your calendar to keep track. If you can pay it
22 earlier, it will just be done. And the only remaining thing
23 for you to do is stay out of the moving business for the
24 whole two years. We're good, right?

25 MR. HARRIS: We're good.

0094

1 JUDGE TOREM: All right. Thank you very
2 much. I've signed the order and handed it back. You'll get
3 a copy of it when you walk out. Good luck to you, and I
4 don't want to see you back again.

5 MR. HARRIS: Thank you.

6 JUDGE TOREM: Thanks. We're adjourned.

7 (Whereupon, the proceedings were
8 concluded at 12:10 p.m.)

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

0095

1

2

CERTIFICATE OF REPORTER)

3 STATE OF WASHINGTON)

) ss

4 COUNTY OF KING)

5 I, Elizabeth Patterson Harvey, a Certified
6 Shorthand Reporter, Registered Professional Reporter within
7 and for the State of Washington, do hereby certify that the
8 proceedings were reported by me to the best of my ability
9 and thereafter reduced to typewriting under my direction;
10 that I am neither counsel for, related to, nor employed by
11 any of the parties to the action in which this deposition
12 was taken, and further that I am not a relative or employee
13 of any attorney or counsel employed by the parties thereto,
14 nor financially or otherwise interested in the outcome of
15 the action.

16

17

18

19

Certified Court Reporter in

20

The State of Washington

21 My license expires December 21, 2013

22

23

24

25