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BEFORE THE WASHINGTON

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UTILITIES AND TRANSPORTATION COMMISSION

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In the Matter of Determining)

the Proper Carrier)

5

Classification of, and)

Complaint for Penalties)

6

against:)

Docket TV-131606

7

LOMEDICO, RICARDO ERNESTO,)

d/b/a PHOENIX MOVING AND)

8

LOGISTICS aka MAJOR MOVERS)

9

10

MOVER'S COURT, VOLUME I

11

Pages 1 - 97

12

ADMINISTRATIVE LAW JUDGE ADAM TOREM

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9:30 A.M.

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OCTOBER 8, 2013

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Washington Utilities and Transportation Commission

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WASHINGTON STATE UTILITIES AND TRANSPORTATION
COMMISSION:

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OLYMPIA, WASHINGTON; OCTOBER 8, 2013

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9:30 A.M.

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JUDGE TOREM: Good morning. It is a little after 9:30. As I told you earlier, my name is Adam Torem. I'm an administrative law judge with the Washington Utilities and Transportation Commission. I am the presiding officer for today's hearing being conducted at the Commission's headquarters in Olympia. Today is Tuesday, October the 8th, 2013. On today's mover's court docket we have a total of nine household goods carriers. From the sign-in sheet downstairs, I think six have already appeared. My first order of business today is to take a roll call and determine which companies are present and identify the name and position of the person responding to the complaint and the subpoena.

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Down to my left there's a court reporter who is creating a record of today's proceedings. So in addition to raising your hand to identify yourself, it is important that you give a verbal response to the roll call that I am going to go through in a moment, saying "here" or "present." And at some point later this morning I am going to have you come up to one of

0004

1 these microphones and introduce yourself, state your
2 name and your company address. We will explain how
3 the microphones work in just a little bit. So for now
4 I just need a show of hands and a verbal response.

5 For Docket TV-131599, Right Choice Movers. Is
6 Rickey Clasablanca in the room?

7 Not yet.

8 Docket TV-131600, Danny the Mover or JB's
9 Quality Moving Service.

10 MR. EDDY: Here.

11 JUDGE TOREM: Are you Mr. Daniel Eddy?

12 MR. EDDY: Yes, sir.

13 JUDGE TOREM: And Janyce Stone?

14 MS. STONE: Yes.

15 JUDGE TOREM: Great. Thank you both for
16 coming down.

17 Docket TV-131603, Great American Moving and
18 Storage. I'm looking for Chana Green.

19 MS. GREEN: Here.

20 JUDGE TOREM: Good morning.

21 MS. GREEN: Good morning.

22 JUDGE TOREM: Docket TV-131605, Best
23 Price Moving and Delivery or Quick Moving and
24 Delivery?

25 MR. LIMA: Here.

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1 JUDGE TOREM: And you are?

2 MR. LIMA: Geraldo Lima.

3 JUDGE TOREM: All right, Mr. Lima.

4 Thank you.

5 And then Phoenix Moving and Logistics, Major
6 Movers. I'm looking for Ricardo Ernesto Lomedico.
7 Mr. Lomedico?

8 All right. I thought I saw him on the sign-in
9 sheet.

10 MS. McCLOY: I think that's
11 Mr. Orellana.

12 JUDGE TOREM: Okay.

13 Docket TV-131607, Pro Movers or UR Moving
14 Solutions?

15 MR. LUNA-LOPEZ: (Indicating.)

16 JUDGE TOREM: And you are, is it Jorge
17 Humberto Luna-Lopez?

18 MR. LUNA-LOPEZ: Yes, I am.

19 JUDGE TOREM: Docket TV-131608,
20 Innovative Moving Company, Daryl Munn.

21 Not here yet.

22 TV-131609, Quick Move or Renton Quick Move.

23 MR. ORELLANA: (Indicating.)

24 JUDGE TOREM: That's you, sir?

25 MR. ORELLANA: (Nods head.)

0006

1 JUDGE TOREM: Orlando, is it Orellano or
2 Orellana?

3 MR. ORELLANA: Orellana.

4 JUDGE TOREM: And finally, TV-131610,
5 Yako Home Moving, Mr. Boubacar Zida.

6 MR. ZIDA: Yes.

7 JUDGE TOREM: So I have those six. The
8 ones that are not here yet are Mr. Clasablanca,
9 Mr. Lomedico and Mr. Munn.

10 Are there any movers here that I didn't call
11 their name and you are expecting to have a hearing
12 today?

13 So we will see if the three companies that
14 have not yet entered an appearance and not show up
15 before we finish today. Those companies that did not
16 appear are subject to being held in default and having
17 an order entered against them without a chance to
18 address me or the Commission and state their case.
19 Again, we will deal with those later this morning.

20 Now, each of the six of you that did come
21 down, thank you very much. You are here because
22 somewhere over the last six weeks the Commission filed
23 a complaint alleging that each of your companies is
24 performing or is advertising to preform work as a
25 household goods carrier, but you don't yet have the

0007

1 required permit from the Commission. As you probably
2 now know, under Washington law it is strictly
3 prohibited to engage in business as a household goods
4 mover without first obtaining a household goods
5 carrier permit from this Commission. You received a
6 letter and a complaint against your company that cited
7 the law. It is Revised Code of Washington, RCW
8 81.80.075. I have a copy of that if anybody needs to
9 refer to it today.

10 Now, the purpose of today's proceeding is for
11 me to formally explain your choices under the law and
12 then hear from each of you about which option you wish
13 to pursue. In essence, you have two choices: You can
14 cease and desist operating without a permit or you can
15 ask for a formal hearing. On the first option, if you
16 choose to have an agreed order entered that you will
17 cease and desist providing the service or even
18 advertising the services, you will have to demonstrate
19 what you have done to shut down your business since
20 you got the letter, you are going to have to tell me
21 what more you might have to do after today, maybe
22 removing Internet advertising, so that you can avoid
23 any further commencement of enforcement action by this
24 Commission.

25 Ms. Lauren McCloy and Ms. Rayne Pearson, I

0008

1 introduced them earlier, before we went on the record,
2 are the investigators. They are going to want to see,
3 and I am going to want to also hear sufficient proof,
4 that you are no longer performing moving services
5 without a permit, that you are no longer breaking the
6 law. For example, if you have websites and you have
7 any way to show us that you have taken them down, I
8 would want to know about that. If you have changed
9 your business to avoid becoming classified as a mover,
10 I will want to know how you have done that as well.

11 Your second option is to choose a formal
12 hearing and contest the law that applies to you. If
13 you choose that, you are going to go through the
14 complaint and tell me why they are not true, whether
15 about the advertising or the moving services or both.
16 That case has to be made with witnesses and with
17 formal documentation. So today would be just more
18 like a prehearing conference. We would schedule
19 something for November or December, depending on your
20 availability and availability of our hearing rooms
21 here in Olympia. So if that's the option you want to
22 choose, I don't want you to make your case today, just
23 tell me that you want that hearing and we've got a
24 couple of dates that I can refer to on the schedule
25 that I know work for the Commission, and I have

0009

1 checked with Staff on their availability, so have your
2 calendar ready.

3 Now, your rights today are very important.
4 Each of you has a right to be heard by the Commission,
5 either today with regard to the cease and desist order
6 and a penalty that might be imposed, what level might
7 be fair for your particular case. I will call you up
8 to do that individually. If you want to be heard by
9 the Commission as to why the rules are not being
10 applied to you correctly, that again will be on
11 another day. Commission Staff has a right to be heard
12 in response. I identified already Ms. Lauren McCloy
13 is representing the Commission this morning. She is a
14 compliance investigator and sent you all the materials
15 and filed the declarations in each of your cases.

16 Let me explain the rest of today's procedures.
17 Each of you will come forward, one at a time, to one
18 of these microphones up front, to make your choice on
19 how to proceed. I will swear you in, just like you
20 see on TV, with an oath of witness, and anything you
21 tell me will be under oath and taken down by the
22 court reporter. So speak slowly, speak clearly, and
23 be sure to use the microphone on the table. The
24 microphone has a little gray button in the middle. It
25 is touch sensitive. If the red light is on then it is

0010

1 being amplified and we can hear you just fine. Just
2 make sure the red light is on on your microphone.

3 Once you are sworn in, I will ask you if you
4 understand everything I have just laid out for you
5 today, ask you to state your preference, if you are
6 wanting to get an order telling your company to cease
7 and desist until you get a permit. I understand some
8 of you may be trying to get in compliance with the law
9 and understand it from there. If not, then we will
10 schedule a hearing.

11 In each of the complaints, you should have the
12 paperwork with you. My understanding is the
13 Commission Staff has alleged, yes, you are providing
14 household goods services, that you responded to a
15 telephone call from Ms. McCloy, or an e-mail, setting
16 up a move, and that she alleges you don't have a
17 permit. She also alleges that you have been
18 advertising. The law sets a maximum penalty for each
19 of these violations at \$5,000 per occurrence.

20 As has been the tradition in mover's court the
21 last couple of years, Staff is typically making a
22 recommendation at a much lower penalty, if there is an
23 agreement for a cease and desist and an agreed order
24 entered. Ms. McCloy will be explaining her
25 recommendation in each case or how it might differ in

0011

1 each case. Sometimes the circumstances warrant a
2 higher penalty, sometimes a lower penalty. We will
3 have to listen carefully to each case, to see if it
4 will be the same or if there is any variation today.

5 For me as the judge that enters the order and
6 makes the ultimate decision on behalf of the
7 Commission, there is a number of factors that I
8 consider. If you want to address any of these, they
9 might be important when you come up.

10 If you choose to testify that you are getting
11 out of the household goods business, I want you to
12 make a statement about how you plan to do that.
13 Depending on what proof you can provide this morning,
14 either with sworn testimony or perhaps you have
15 receipts showing a shutdown of certain items of your
16 business, you should be able to reach an agreed order
17 with Commission Staff. I may want to check the
18 sincerity of what you are intending to do so you don't
19 end up back here again six months or a year from now.

20 If you choose to contest the allegations in
21 the complaint, like I said, either November or
22 December will be your hearing. We will go into a
23 little further detail for each of you that want to do
24 that, so you understand exactly what you need to bring
25 to a more formal hearing, if you need additional

0012

1 witnesses or additional documents.

2 After I hear from each of your companies, we
3 will probably need to take a break. That will be for
4 30 or 60 minutes. It could be longer. It depends on
5 how long it takes for the Staff to get all of the
6 agreed paperwork put together.

7 For most of you, Ms. McCloy will be working
8 with you. Ms. Pearson will be assisting her, to make
9 sure that you understand the order, if you are signing
10 an agreed order, and what it means, and perhaps
11 negotiating an appropriate penalty with you.

12 Ms. McCloy, anything you want to state on
13 behalf of Staff at this time?

14 MS. McCLOY: Not at this time.

15 JUDGE TOREM: Let me start with the
16 companies who have already come in today. I am going
17 to start with Mr. Eddy and Ms. Stone. If the two of
18 you would come on up to the microphones.

19 MR. EDDY: (Complies.)

20 MS. STONE: (Complies.)

21

22 DANIEL EDDY and JANYCE STONE, having been first duly
23 sworn on oath testified
24 as follows:
25

0013

1 JUDGE TOREM: Mr. Eddy, can you state
2 and spell your first and your last names so the
3 court reporter has it correct?

4 MR. EDDY: I'm Daniel Eddie,
5 D-A-N-I-E-L, E-D-D-Y.

6 JUDGE TOREM: And Ms. Stone?

7 MS. STONE: J-A-N-Y-C-E, S-T-O-N-E.

8 JUDGE TOREM: And you both work with
9 JB's Quality Moving Services or Danny the Mover?

10 MR. EDDY: Danny the Mover, yeah.

11 JUDGE TOREM: Okay. So that's the
12 preferred --

13 MR. EDDY: Yeah, uh-huh.

14 JUDGE TOREM: Great. Thank you.

15 You can go ahead and pull those closer.

16 MR. EDDY: (Complies.)

17 JUDGE TOREM: Did you understand
18 everything that I explained this morning --

19 MR. EDDY: Yes.

20 JUDGE TOREM: -- about the two options?

21 MR. EDDY: Yes.

22 JUDGE TOREM: What is your positions
23 with Danny the Mover?

24 MR. EDDY: Partners.

25 JUDGE TOREM: Have you had a chance to

0014

1 talk together about what you want to do?

2 MR. EDDY: Yeah, we're going to continue
3 on and, you know, do a great service for the state of
4 Washington, moving people. You know, that's what we
5 do.

6 We filed for a permit this morning.

7 JUDGE TOREM: Okay.

8 MR. EDDY: We filed all the paperwork
9 and paid the thing and all of that stuff, so we're
10 just waiting.

11 JUDGE TOREM: So my understanding, then,
12 if you want to pursue a permit, it may take a couple
13 of weeks, and if you are moving without the permit,
14 then you are still subject to penalties.

15 What is your plan between now and when you get
16 the permit.

17 MR. EDDY: You know, we would like to
18 keep working. We have all the proper insurance. We
19 have all the proper everything. We registered with
20 the DOT. We did everything, just about, that we need
21 to do.

22 JUDGE TOREM: Ms. Stone, anything to
23 add?

24 MS. STONE: No.

25 JUDGE TOREM: Ms. McCloy, what is the

0015

1 Commission's recommendation then on how to proceed
2 with these folks while they are pending an
3 application?

4 MS. McCLOY: So while the application is
5 pending, you cannot operate as a household goods
6 mover. I think we discussed that you wanted to
7 continue to provide labor-only services, in which case
8 you wouldn't be able to provide a truck.

9 MR. EDDY: Uh-huh.

10 MS. McCLOY: Does that sound familiar?

11 MR. EDDY: Yeah, but I mean...

12 MS. McCLOY: Just until your permit is
13 approved.

14 MR. EDDY: Yeah, that's, I guess, what
15 we have to do.

16 JUDGE TOREM: Mr. Eddy and Ms. Stone, I
17 want to make sure you understand that the Commission
18 will be looking to see if you are conducting moves
19 until you get the permit.

20 MR. EDDY: Uh-huh.

21 JUDGE TOREM: I don't want to risk that
22 you end up paying a greater penalty because you
23 thought you might be able to get away with something
24 in between. The goal, from the bosses that I have,
25 appointed by the governor, for this Commission is

0016

1 compliance with the law. Without the permit you don't
2 have permission to move. I just want to be very clear
3 about that.

4 MR. EDDY: Yeah, we understand.

5 JUDGE TOREM: Then what I think I would
6 recommend is we go through essentially an agreement to
7 cease and desist until you get a permit. For a lot of
8 the orders that we would enter today, it would be for
9 a two-year period. For yours, hopefully, it's more
10 like a two-day to two-week period. It depends on how
11 quickly they can process the application.

12 When did you start your application process?

13 MR. EDDY: This morning. Just today.

14 JUDGE TOREM: Ms. McCloy, do you have
15 any idea what the typical turnaround time is?

16 MS. McCLOY: Usually, it takes a few
17 weeks, depending on what might be missing from the
18 application.

19 JUDGE TOREM: So if they are correct,
20 that they have everything, with the DOT registration
21 already done --

22 MS. McCLOY: One to two weeks is what I
23 am told.

24 JUDGE TOREM: So today is the 8th.
25 Somewhere before the end of the month for sure you

0017

1 might have a permit and be up and running.

2 The labor-only piece of this, I think I will
3 have Ms. McCloy explain it, so you understand what the
4 Staff believes is household goods moving and what is
5 not.

6 MS. McCLOY: So if there is a truck
7 provided, then that would qualify as performing a
8 household goods move, but if you want to continue to
9 offer labor-only pack-and-move services, and the
10 customer provides their own truck, that is considered
11 nonjurisdictional. That's what we would call
12 labor-only services.

13 MR. EDDY: Okay.

14 JUDGE TOREM: Mr. Eddy, do you have any
15 questions about that?

16 MR. EDDY: I don't.

17 JUDGE TOREM: So I understand this may
18 be a bump in the normal business plans, if you have
19 moves scheduled for the next two weeks or so, but it
20 would be in your best interest, if you want to comply
21 with the order that you are going to sign today.
22 Again, if you agree to sign the order to cease and
23 desist for the period until you get the permit, you
24 will be held to that agreement. Look over the terms.

25 My expectation would be that you would be

0018

1 calling anybody you have got booked for moves and
2 letting them know that if they rent a truck, you can
3 pack it and load it, but you can't drive up to the
4 house in a truck and conduct business as usual until
5 you get your permit. So unless they are able to delay
6 their appointment, that may be business you have to
7 forego to avoid paying a fine larger than whatever
8 might be appropriate for what has been alleged you
9 have already done in the past.

10 MR. EDDY: Uh-huh.

11 JUDGE TOREM: Ms. Stone, does that make
12 sense?

13 MS. STONE: Yes.

14 JUDGE TOREM: So is that the route you
15 want to go then, with a temporary cease and desist
16 order?

17 MR. EDDY: I mean that's -- it sounds
18 like my only choice. If I say I want a hearing in a
19 few months, does that buy me time?

20 JUDGE TOREM: Not necessarily. You
21 would still be operating without a permit. You are
22 doing the right thing by getting a permit. I
23 understand you can be anxious to get into compliance.
24 It's hard, though, if I tell you I need you to do a
25 few things first and it does take a little time.

0019

1 MR. EDDY: It's pretty hard when the
2 phone is ringing and you have bills to pay, and you've
3 got to -- you know, you are trying to build something,
4 and, you know, you can get it just taken out from
5 underneath you. It's pretty hard to, you know...

6 JUDGE TOREM: No, I understand. I have
7 done this long enough to hear that an ongoing business
8 is hard to interrupt for a little while.

9 MR. EDDY: Yeah.

10 JUDGE TOREM: But I hope it's --

11 MR. EDDY: I mean we haven't had loans,
12 we haven't taken out any -- I mean it's all been hard
13 sweat and blisters, you know, to do everything we have
14 done from the ground up. There has been no loans, no
15 nothing. You know, it's just been -- we bought a
16 truck. We've been just trying to get everything
17 going. We got really good reviews on the Internet,
18 people love us. We go out and do a really super good
19 job that the bigger companies can't do, you know. I'm
20 just -- you know, we are just a small hands on
21 ma-and-pa moving system here.

22 JUDGE TOREM: What I want to make sure
23 is that you stay in business --

24 MR. EDDY: Yeah.

25 JUDGE TOREM: -- if you are as good as

0020

1 you are describing.

2 MR. EDDY: Yeah.

3 JUDGE TOREM: The way to do that is to
4 get the permit --

5 MR. EDDY: Exactly. And I totally
6 agree. We want to do the right thing. I mean that's
7 our goal, absolutely.

8 JUDGE TOREM: Well, what I would suggest
9 is, today, when we are at our break, check and see if
10 there is anything else that, at the initial review of
11 your paperwork suggests is still needed, so you can
12 get that to them as soon as possible. We will see
13 what we can do to support an expedited processing of
14 this. I mean I am glad that you have the U.S. DOT
15 piece already. It sounds like the Federal Government
16 shut-down may have slowed that one down.

17 MR. EDDY: Yeah.

18 JUDGE TOREM: I'm glad you have that
19 behind you.

20 MR. EDDY: Yeah.

21 JUDGE TOREM: Our goal again is
22 compliance. They are not going to slow roll you just
23 to try to catch you doing something without a permit.

24 MR. EDDY: Yeah.

25 JUDGE TOREM: Work with them, honor your

0021

1 signature to the Commission, if that's what you agree
2 to do, and show some integrity. Do what you can to be
3 in compliance, labor-only, until you get the actual
4 permit, letting you go back to the business that you
5 say you want to run.

6 MR. EDDY: Absolutely.

7 JUDGE TOREM: Okay. All right. Thank
8 you. Have a seat and we will get an agreed order
9 prepared.

10 Ms. McCloy, let's make sure that we have the
11 correct wording in there that says that it is cease
12 and desist until they get a permit, that that's
13 something that they initial, and they understand
14 specifically that until they get the permit they can't
15 move.

16 MS. McCLOY: I believe that's in the
17 order, yes.

18 JUDGE TOREM: Great. So when we come
19 back after the break, your signature will be on it,
20 along with Ms. McCloy's. It will be really easy to
21 get that signed and entered, and then you are on your
22 way until you get the permit.

23 MR. EDDY: Thanks.

24 MS. STONE: Thank you.

25 JUDGE TOREM: The next one I want to

0022

1 call is Great American Moving and Storage, Ms. Chana
2 Green.

3 Can you state and spell your first and last
4 name for the court reporter?

5 MS. GREEN: Chana Green, C-H-A-N-A,
6 G-R-E-E-N.

7 JUDGE TOREM: And can you state the
8 business address for Great American Moving and
9 Storage?

10 MS. GREEN: 1826 - 112th Street East,
11 Suite D, Tacoma 98445.

12 JUDGE TOREM: Ms. Green, do you want to
13 proceed with getting a permit, or I was informed
14 perhaps you had a -- you were going to ask for a
15 hearing to contest --

16 MS. GREEN: Yeah, I don't want a permit.
17 I don't do local moves. I would like to present my
18 facts. If that's supposed to be in another hearing,
19 then I will do it at another hearing.

20 JUDGE TOREM: So my understanding is
21 that the contention for Great American Moving and
22 Storage is that it is strictly interstate.

23 MS. GREEN: Yes, sir.

24 JUDGE TOREM: So it's not within the
25 state of Washington, but state-to-state moves?

0023

1 MS. GREEN: Yes.

2 JUDGE TOREM: What is your calendar like
3 for the first week of November?

4 MS. GREEN: Can I check?

5 JUDGE TOREM: Yes, please do.

6 MR. ORELLANA: (Complies.)

7 The week of November 4th to the 8th, or the
8 following week, the 14th to 15th. That's a
9 Thursday/Friday the following week.

10 MS. GREEN: The 4th to 8th, or the
11 following, the 11th to the 15th you said?

12 JUDGE TOREM: Yes, only the last two
13 days of that following week. We have some other
14 business that --

15 MS. GREEN: Oh, okay. Then I would like
16 to take the 14th.

17 JUDGE TOREM: Thursday the 14th of
18 November?

19 MS. GREEN: Yes, Thursday the 14th.

20 Would that be in the morning or in the
21 afternoon?

22 JUDGE TOREM: Do you have a preference?
23 We would either do 9:30 or 1:30.

24 MS. GREEN: I would like to do it in the
25 morning.

0024

1 JUDGE TOREM: Will you have any
2 witnesses you are going to have here in Olympia that
3 day?

4 MS. GREEN: Do I have to have witnesses?

5 JUDGE TOREM: You can testify on your
6 own. I just wondered if you had any witnesses.
7 Sometimes we have witnesses by phone. I know that day
8 we've got --

9 MS. GREEN: Oh, witnesses by phone? I
10 would like to, yes. I don't have anything planned out
11 right this second, but yes, I probably will.

12 JUDGE TOREM: We would have to be
13 calling them on a separate line. I know the
14 Commission has a workshop that day in this room, so we
15 will be using another hearing room.

16 MS. GREEN: Okay.

17 JUDGE TOREM: They will be using what's
18 called a bridge line, where folks can call in and
19 listen, so we won't have that available. Is that --

20 MS. GREEN: We won't have it available?

21 JUDGE TOREM: We won't have the party
22 line, where people can just call in.

23 MS. GREEN: Oh, okay.

24 JUDGE TOREM: We will have a telephone
25 to call out to a specific witness, if you know how to

0025

1 reach that person.

2 MS. GREEN: Yeah, yeah. I probably will
3 have, yes.

4 JUDGE TOREM: So Ms. McCloy, November
5 the 14th at 9:30 in the morning. We could probably
6 use Room 108 downstairs.

7 MS. McCLOY: Okay.

8 MS. GREEN: Room 108?

9 JUDGE TOREM: Ms Green, what I will do
10 is make sure we send you out essentially a prehearing
11 conference order setting up that date for the hearing.
12 For exhibits, typically what we do at hearings, we
13 want any written exhibits to be filed in advance.

14 MS. GREEN: Okay.

15 JUDGE TOREM: And Staff would do the
16 same thing.

17 MS. GREEN: Okay.

18 JUDGE TOREM: I think ten days in
19 advance would be fine, November 4th.

20 MS. GREEN: Do I just mail them?

21 JUDGE TOREM: What I will do is I will
22 put in the order the mailing date for November 4th.
23 If you want to submit them electronically, that's fine
24 as well, but they have to be at the Commission the
25 next business day. If you e-mail them on Monday, you

0026

1 will have to FedEx them to arrive hard copy the next
2 day.

3 MS. GREEN: Okay. As long as it's
4 before the 14th, or does it have to be on a certain
5 date?

6 JUDGE TOREM: We are going to set a date
7 to turn in the exhibits. We can go ten days or we
8 could go a week in advance. That week of the 4th, if
9 we have them e-mailed on the 4th, or we can have them
10 e-mailed as late as the 7th.

11 MS. GREEN: Okay.

12 JUDGE TOREM: Do you prefer more time?
13 Because this will also give you time to look at the
14 Commission's exhibits. It depends how much time you
15 need in preparation.

16 MS. GREEN: Yes, I would like more time,
17 if possible.

18 And when is the letter going to be sent out,
19 like how much in advance?

20 JUDGE TOREM: I will probably get this
21 prehearing conference order out by the end of the
22 week.

23 MS. GREEN: Oh, perfect.

24 JUDGE TOREM: It is going to lay out
25 that you are -- you will have to list your witnesses

0027

1 and any way to get a hold of them in advance, so if
2 there is an address and a phone number. If the
3 Commission is going to call any witnesses, they will
4 list those as well. If you want to call them and talk
5 about what main points they think they are going to
6 make at the hearing, you are entitled to informally
7 discuss that with them. Any documents and a draft
8 exhibit list, we would file as well.

9 MS. GREEN: Okay. So from the end of
10 the week, or next week, until the 4th?

11 JUDGE TOREM: Yes.

12 MS. GREEN: Okay. Yeah, that works.

13 JUDGE TOREM: So that will be the e-mail
14 deadline. The hard copy deadline will be the next
15 day, on 11/5, on the 5th.

16 MS. GREEN: Okay.

17 JUDGE TOREM: Any questions about the
18 hearing itself?

19 MS. GREEN: I basically just have to
20 bring my witnesses and my facts, my paperwork and
21 everything?

22 JUDGE TOREM: And what we are looking at
23 is that Revised Code of Washington, Title 81,
24 81.80.075, that says that you are required to have a
25 permit. If you look in Title 81.80 there are some

0028

1 definitions that talk about what is a household goods
2 mover. If you can prove that all of your records show
3 only interstate moves, you may be able to reach a
4 settlement with the Commission. If they disagree and
5 they still think that you are or have performed or
6 offered to perform moves in the state of Washington,
7 we will have a hearing and I will determine who has
8 proved their case.

9 MS. GREEN: Okay. I just have one
10 question. Is what I was provided with, the first
11 letter, is that all the -- what I am going to be
12 provided with or is there additional?

13 JUDGE TOREM: There was a declaration
14 from Ms. McCloy that attached some of the Commission's
15 evidence. I can't speak to whether it's all or not.
16 By November 4th you will have the totality of their
17 evidence.

18 MS. GREEN: Okay.

19 JUDGE TOREM: Once they see your
20 evidence, they may come up with a rebuttal piece or
21 some other piece, that they do some research, and we
22 will take that up on the day of the hearing. The idea
23 is that I don't want you to come in on the 14th and be
24 surprised.

25 If there is any rebuttal evidence, Ms. McCloy,

0029

1 make sure that that gets e-mailed after you have
2 looked at Ms. Green's initial exhibits, and then we
3 will take it up in the formal hearing.

4 All the testimony will be under oath, even if
5 it is give over the phone. You will have a chance to
6 cross-examine Staff's witnesses and they will have a
7 chance to cross-examine you.

8 MS. GREEN: Okay.

9 JUDGE TOREM: Ms. McCloy, anything to
10 add?

11 MS. McCLOY: No.

12 JUDGE TOREM: I will send out a notice,
13 Ms. Green, for here in Olympia, 9:30, November 14th,
14 with the other deadlines we talked about.

15 MS. GREEN: Thank you.

16 JUDGE TOREM: All right. 131605,
17 Mr. Lima for Quick Moving and Delivery.

18 MR. LIMA: (Complies.)

19 JUDGE TOREM: Good morning, sir. Can
20 you please state and spell your names for the record?

21 MR. LIMA: G-E-R-A-L-D-O, last name is
22 Lima, L-I-M-A.

23 JUDGE TOREM: Can you speak up just a
24 little bit? Great.

25 Mr. Lima, did you understand the procedure

0030

1 this morning?

2 MR. LIMA: Yeah, I understand.

3 JUDGE TOREM: And for your company, how
4 would you like to proceed?

5 MR. LIMA: I applied yesterday for
6 the -- the license.

7 JUDGE TOREM: For the permit?

8 MR. LIMA: Permit, yeah.

9 JUDGE TOREM: And do you know how your
10 permit application stands, what more you have to do?

11 MR. LIMA: When I was notified about, I
12 think 30 days ago, I'm not sure, I stopped the
13 operation and waited for the license. I got the money
14 yesterday.

15 JUDGE TOREM: So when you got the
16 notification. In your case, it says you were served
17 on September the 12th; is that's right, about a month
18 ago?

19 MR. LIMA: Yes, something. It was no
20 more than 30 days. I think so.

21 JUDGE TOREM: So you have stopped your
22 operations?

23 MR. LIMA: Yeah, I have only one small
24 truck. The truck, he stopped, and I told not to
25 advertise.

0031

1 JUDGE TOREM: So you are now trying to
2 get into compliance, get a permit?

3 MR. LIMA: Yeah, I need that.

4 JUDGE TOREM: And you heard my
5 discussion earlier with Ms. Stone and Mr. Eddy?

6 MR. LIMA: Yes.

7 JUDGE TOREM: So in the meantime, if you
8 are applying for a permit, you have to still stay out
9 of business until you get the permission.

10 MR. LIMA: Yeah, I understand that.
11 We -- this is a business we tried to do, but I didn't
12 know the entire procedure. I was not fined before,
13 but for reason to understand some, it got really
14 difficult to -- what I have to do to apply. When I
15 figure out the money, the provided the amount of money
16 I have to come up, then I tried to work on -- was
17 planning to apply for the license, but unfortunately
18 for the situation, I -- I was pushed for the next
19 month. So I understand we have to froze it.

20 I work like a house cleaner before. It's not
21 my main job every day, it's some work we are doing.

22 JUDGE TOREM: Okay. So this is
23 something that's on hold until you get the permit?

24 MR. LIMA: Yeah, so I can -- I think I
25 can survive doing another thing.

0032

1 JUDGE TOREM: Ms. McCloy, what is the
2 Staff's knowledge of Mr. Lima's application?

3 MS. McCLOY: I know he has submitted an
4 application, but I do not know the status of it. I
5 will check at the break.

6 JUDGE TOREM: It sounds like, Mr. Lima,
7 it would be appropriate to enter an agreed cease and
8 desist order where you acknowledge --

9 MR. LIMA: Oh, yeah, definitely.

10 JUDGE TOREM: And that we do the same,
11 make sure the same language -- if you get a permit,
12 then you can begin your business again.

13 MR. LIMA: Yes, I understand.

14 JUDGE TOREM: Ms. McCloy then will take
15 that up after the break.

16 Anything you want to say on this case now?

17 MS. McCLOY: No.

18 JUDGE TOREM: Thank you, Mr. Lima. We
19 will call your case back up shortly. At the break you
20 will work with Staff to look over that agreed order
21 and make sure you understand it.

22 MR. LIMA: Thank you.

23 JUDGE TOREM: The next case is
24 Mr. Luna-Lopez, Pro Movers, UR Moving Solutions. This
25 is Docket 131607.

0033

1 Sir, can you state your full name, first and
2 last, and spell it, what you think is necessary.

3 MR. LUNA-LOPEZ: J-O-R-G-E, L-U-N-A --
4 oh, I'm sorry, it's J-O-R-G-E, H-U-M-B-E-R-T-O,
5 L-U-N-A, L-O-P-E-Z.

6 JUDGE TOREM: And do you go by George or
7 Jorge?

8 MR. LUNA-LOPEZ: Jorge.

9 JUDGE TOREM: Great.

10 Jorge, did you understand everything that I
11 explained to the previous movers?

12 MR. LUNA-LOPEZ: Yes, I do understand.

13 JUDGE TOREM: And so what is the status
14 of your business?

15 MR. LUNA-LOPEZ: There is no business.

16 JUDGE TOREM: So are you agreeing to
17 cease and desist, you have shut it down?

18 MR. LUNA-LOPEZ: I don't -- I'm not
19 conducting any business in Washington state. And then
20 what I have done in the last two years is just the
21 labor around. And then I kept the truck. I'm using
22 it as storage, because I'm doing construction around
23 and all that stuff. And then -- so I -- when I get
24 these papers, it shows that I have a master license.
25 I don't have it.

0034

1 JUDGE TOREM: I'm sorry, what kind of
2 license does it show you have?

3 MR. LUNA-LOPEZ: The movers, the
4 license, and the UBI.

5 JUDGE TOREM: So have you applied to the
6 state for any licenses?

7 MR. LUNA-LOPEZ: Before, in here before.

8 JUDGE TOREM: Okay.

9 MR. LUNA-LOPEZ: But I stopped my
10 operations in 2012.

11 JUDGE TOREM: So you were doing moves
12 last year?

13 MR. LUNA-LOPEZ: No.

14 JUDGE TOREM: So what happened in 2012?
15 I'm not sure I understand.

16 MR. LUNA-LOPEZ: I just closed my
17 business. I just closed my -- the license that I had,
18 the UBI.

19 JUDGE TOREM: Let me make sure, if I
20 need to get testimony from you about your business,
21 that we do it under oath. But I want to make sure
22 that you understand the choices.

23 MR. LUNA-LOPEZ: Uh-huh.

24 JUDGE TOREM: You are saying there is no
25 business. Maybe there is nothing to talk about. If

0035

1 you are saying that we need to go into testimony, then
2 I need to swear you in.

3 MR. LUNA-LOPEZ: Uh-huh.

4 JUDGE TOREM: So today what choice did
5 you want to pursue for your business?

6 MR. LUNA-LOPEZ: If I have a business,
7 I'm not doing any business. I don't do anything
8 because I'm not doing business. I just kept the
9 truck. I have the truck, but I'm not using the truck
10 because it's broken. Then in the last year, I have
11 been in accidents and my back is hurt so I can't.

12 JUDGE TOREM: Ms. McCloy, it sounds like
13 Mr. Luna-Lopez wants to pursue a cease and desist
14 order because there is nothing for him to continue
15 doing business. What is the Commission's position on
16 this case?

17 MS. McCLOY: I believe that we would
18 support a cease and desist order in this case.

19 JUDGE TOREM: I looked at the paperwork
20 in your case, Mr. Luna-Lopez. There was some
21 supporting declaration that shows the advertising and
22 alleges that you were still doing the business. So
23 it's possible that Ms. McCloy will be also seeking a
24 penalty for at least some portion of what she thinks
25 your business was. I didn't look at this in so much

0036

1 detail to look at the dates, but if you want to
2 contest that, then it is something you may be able to
3 negotiate with Ms. McCloy at the break, or when you
4 come back I will swear you in, take your side of the
5 story, and decide what might be an appropriate
6 penalty.

7 MR. LUNA-LOPEZ: Okay.

8 JUDGE TOREM: But it sounds like you
9 will have a chance to talk to Staff at the break,
10 understand the terms of the cease and desist order.
11 If your health gets better with your back or if your
12 truck becomes operational again and you want to
13 move --

14 MR. LUNA-LOPEZ: I understand that.

15 JUDGE TOREM: -- you have to get a
16 permit.

17 MR. LUNA-LOPEZ: I understand. I have
18 all the paperwork, the previous paperwork when I
19 filled out the permit, to get the permit before. And
20 then they just -- I just filled out the form and all
21 of that stuff, the same forms they sent to me. And
22 then I received the same forms the day when the
23 attorney handed me the papers, so...

24 JUDGE TOREM: So you understand you have
25 to get that permit if you are going to run a moving

0037

1 business?

2 MR. LUNA-LOPEZ: I do know, I
3 understand. And then I have the proof. My UBI number
4 has been stopped in December 2012.

5 JUDGE TOREM: So why don't I have you
6 take that up with Staff at the break. We will see
7 when you come back if you can agree on the cease and
8 desist order and all of its terms and we will go ahead
9 and enter that. If there is any question as to a
10 minor disagreement about if you were or were not
11 operating, we will get that out of the way as well.

12 MR. LUNA-LOPEZ: The declaration of her,
13 it says that she found that I have the Washington
14 state revenue, that I have an active license, which is
15 not true.

16 JUDGE TOREM: So why don't you show her
17 your proof and then we can address it.

18 MR. LUNA-LOPEZ: Okay.

19 JUDGE TOREM: If that makes any
20 difference in the recommendation.

21 MR. LUNA-LOPEZ: Okay.

22 JUDGE TOREM: I believe we have two more
23 to look at before we get to the break and you have a
24 chance to talk with Staff. Thank you, sir.

25 MR. LUNA-LOPEZ: Thank you.

0038

1 JUDGE TOREM: The next case will be
2 Docket TV-131609. This is Mr. Orellana and this is
3 Renton Quick Move.

4 Mr. Orellana, go ahead and please spell your
5 first and last name for the court reporter.

6 MR. ORELLANA: It's O-R --
7 O-R-L-A-N-D-O. My last name is O-R-E-L-L-A-N-A.

8 JUDGE TOREM: Good morning, sir.

9 MR. ORELLANA: Good morning.

10 JUDGE TOREM: Did you understand the
11 descriptions of what the process was this morning?

12 MR. ORELLANA: Yes, sir.

13 JUDGE TOREM: And your business, did you
14 want to contest the applicability of the rules and set
15 up a hearing or did you want to figure out a way to
16 cease and desist and get out of the business today?

17 MR. ORELLANA: Well, let me explain a
18 little bit. So I work in --

19 JUDGE TOREM: Do you want me to swear
20 you in so you may under oath or do you already know
21 you want to --

22 MR. ORELLANA: I want to go out of the
23 business.

24 JUDGE TOREM: So tell me what you think
25 I need to know.

0039

1 MR. ORELLANA: Well, let me explain a
2 little bit. So I work in supervising in an apartment
3 complex. My buddy that works with me say, Hey, do you
4 know what, there are people moving in this complex.
5 And he said, Buy a truck and make a business. I said,
6 Okay.

7 I bought a truck last year. I make a couple
8 moves last year, but I work full time in the company.
9 Basically, I don't have time for movers again, so
10 that's why I want to shut down the business. I work
11 full time in the company for almost ten years. I
12 don't have time and I want to be out.

13 JUDGE TOREM: So this was a side venture
14 for you, just a side job?

15 MR. ORELLANA: Yeah, side job. Yeah,
16 so...

17 JUDGE TOREM: And since you have gotten
18 the notice, what have you done?

19 MR. ORELLANA: I received the paperwork.
20 I don't move my truck, sometimes every two months,
21 because the people at the apartment are moving every
22 month. I received the paperwork, and I take
23 everything. And that's why I come here today, to shut
24 down the business, not anymore.

25 JUDGE TOREM: I think you want to talk

0040

1 to Ms. McCloy and explain to her --

2 MR. ORELLANA: Okay.

3 JUDGE TOREM: -- what it means to shut
4 down the business. If you are going to keep the
5 truck --

6 MR. ORELLANA: But the truck we sold
7 already. We sold already the truck. I don't have the
8 truck anymore. I have a license, I have a DOT, I have
9 a UBI number. I don't have a permit because I don't
10 know the law required permits. I don't know.

11 JUDGE TOREM: Today you know.

12 MR. ORELLANA: Yeah, now I know.

13 JUDGE TOREM: You say you have already
14 sold the truck?

15 MR. ORELLANA: I sold the truck already.
16 I don't have the truck.

17 JUDGE TOREM: Is it still on the
18 premises of the apartment or does somebody else own it
19 there?

20 MR. ORELLANA: No, I -- I sold it to
21 somebody else. It's still on the property where I
22 work right now, but I don't use it because it's not
23 mine anymore.

24 JUDGE TOREM: You do understand that
25 even if somebody says, Can you help me move, without a

0041

1 permit you can't do it?

2 MR. ORELLANA: Yeah, I understand that.

3 JUDGE TOREM: Some apartment complexes
4 loan out a trailer or loan out a truck. That's a
5 separate issue. You might want to talk with
6 Ms. McCloy and Staff to find out what you are allowed
7 to do.

8 Again, if you don't own the truck and you are
9 not trying to sneak by and just move without owning
10 the truck, you can still be -- you know, if you get in
11 that truck and Staff happens to catch you doing such a
12 thing, or gets reports, you might be right back here
13 facing --

14 MR. ORELLANA: I understand.

15 JUDGE TOREM: -- a significant penalty.

16 MR. ORELLANA: Yeah, I mean I'm not
17 worried about it. I'm not going to move anymore.

18 JUDGE TOREM: All right.

19 MR. ORELLANA: Yeah.

20 JUDGE TOREM: So we will get a cease and
21 desist order printed up at the break. Make sure that
22 you understand all of its terms, and talk with
23 Ms. McCloy, to show her proof of what you have done to
24 shut down the business and any advertising.

25 MR. ORELLANA: Okay.

0042

1 JUDGE TOREM: Thank you, sir.

2 MR. ORELLANA: Thanks.

3 JUDGE TOREM: Mr. Zida, Docket

4 TV-131610.

5 MS. BROWN: Is it okay if I sit here?

6 JUDGE TOREM: Yes.

7 Sir, can you state and spell your first and
8 last name for me?

9 MR. ZIDA: First name is
10 B-O-U-B-A-C-A-R, the last name is Z-I-D-A.

11 JUDGE TOREM: And you are, ma'am?

12 MS. BROWN: Gina Brown, G-I-N-A,
13 B-R-O-W-N.

14 JUDGE TOREM: Mr. Zida and Ms. Brown,
15 what is your positions with Yako Home Moving?

16 MR. ZIDA: I'm the owner.

17 JUDGE TOREM: You are the owner.

18 And Ms. Brown?

19 MS. BROWN: He is my kids' uncle. I
20 just help him with paperwork sometimes.

21 JUDGE TOREM: So you are just here as a
22 friend?

23 MS. BROWN: Yeah.

24 JUDGE TOREM: Mr. Zida, did you
25 understand the prior proceedings?

0043

1 MR. ZIDA: Yes, I do.

2 JUDGE TOREM: And the choice today is
3 either to contest the Commission's jurisdiction or to
4 work out a cease and desist order.

5 MR. ZIDA: Yes, I do.

6 JUDGE TOREM: And how do you want to
7 proceed for Yako Home Moving?

8 MR. ZIDA: I want to apply for the
9 permit.

10 JUDGE TOREM: You are going to apply for
11 the permit?

12 MR. ZIDA: I applied already.

13 JUDGE TOREM: When did you do that?

14 MR. ZIDA: September 29, I believe.

15 MS. BROWN: 23rd.

16 MR. ZIDA: 23rd.

17 JUDGE TOREM: And do you know the status
18 of your permit application?

19 MS. BROWN: We got a notice of deficient
20 application. We needed a U.S. DOT number and the
21 insurance for me. I have the -- I sent them the U.S.
22 DOT the --

23 JUDGE TOREM: Can you slow down just a
24 little bit, Ms. Brown?

25 MS. BROWN: Sorry.

0044

1 JUDGE TOREM: So you have a U.S. DOT --

2 MS. BROWN: Yeah, we got the U.S. DOT
3 number and the insurance and now it is pending. I
4 talked to Tina yesterday. She said it should be ready
5 by the end of the week.

6 JUDGE TOREM: So as far as you know --

7 MS. BROWN: She has everything she
8 needs.

9 JUDGE TOREM: -- it's now complete?

10 MS. BROWN: Yeah.

11 JUDGE TOREM: Ms. McCloy, do you have
12 any knowledge as to the status?

13 MS. McCLOY: I know that we are -- they
14 are pending a decision in this proceeding as well.

15 JUDGE TOREM: Okay. Mr. Zida, anything
16 else you want me to know at this time then?

17 MR. ZIDA: Regarding?

18 JUDGE TOREM: Anything else that you
19 want me to know now?

20 MR. ZIDA: Since we got the notice, just
21 we stopped working.

22 JUDGE TOREM: So you already heard me
23 talk with some of the others, that until you get the
24 permit you are not allowed to operate?

25 MR. ZIDA: Exactly.

0045

1 JUDGE TOREM: I don't want to repeat
2 myself unnecessarily here.

3 Ms. McCloy, is that going to be Staff's
4 approach to this one as well?

5 MS. McCLOY: Yes, cease and desist until
6 the permit is issued.

7 JUDGE TOREM: Okay.

8 Ms. Brown, anything else you want to add at
9 this time?

10 MS. BROWN: No, I have the -- what we
11 did to shut down. Do you want to hear that?

12 JUDGE TOREM: Not yet.

13 MS. BROWN: Okay.

14 JUDGE TOREM: That will go into, once we
15 get the order prepared, what amount, if any, for a
16 penalty will be. When I'm ready for that sworn
17 testimony, I will get you sworn in to do that.

18 Ms. McCloy, anything else on this case?

19 MS. McCLOY: Not at this time.

20 JUDGE TOREM: Let me see if any of the
21 other movers have come in. It is almost 10:15. We
22 will take a break, see how quickly Staff can deal with
23 the five orders we need.

24 Ms Green, I think you are still here. I will
25 be issuing that prehearing conference order later in

0046

1 the week. When we take our break you are free to go.
2 You will get served at the address you got served up
3 this one, but by mail, okay?

4 MS. GREEN: Okay.

5 JUDGE TOREM: Mr. Zida, you can resume
6 your seat.

7 MR. ZIDA: (Complies.)

8 JUDGE TOREM: Has Rickey Clasablanca
9 appeared?

10 I'm not seeing anybody else new out there, but
11 I want to make sure.

12 Mr. Lomedico?

13 Mr. Munn?

14 I'm not seeing any. If they show up after the
15 break, then we will deal with it when we come back.

16 It should be at least 20 to 30 minutes, though.

17 Ms. McCloy, do you have any description? Do
18 you want to explain how things are going to work from
19 here?

20 MS. McCLOY: We are going to call people
21 back to this room behind the hearing room, one at a
22 time, and then we will discuss orders and penalties at
23 that time.

24 JUDGE TOREM: So if you have any needs,
25 there is the water cooler and there is a rest room in

0047

1 the hallway. If you will please stick around this
2 room so that you are available when we reconvene.

3 Ms. Green is going to be free to go, but we
4 will see the other five of you with cease and desist
5 orders. If I haven't already sworn you in, then I
6 will, to take your testimony as to what you think
7 about any recommended penalty and how long it might
8 take to pay that, and we will go forward from there.

9 Any questions for me?

10 MS. GREEN: I just needed the address,
11 where to send everything. I guess I will take it from
12 you.

13 MS. McCLOY: Okay, yes.

14 JUDGE TOREM: Yes, Ms. McCloy will
15 provide that to you. You will see it will also be the
16 same one that we have in the prehearing conference
17 order. Just make sure we have your address, where to
18 send all the materials, and for her to send your
19 copies of exhibits as well.

20 MS. GREEN: Okay.

21 JUDGE TOREM: Okay. Thank you.

22 We are at recess. It's 10:16.

23 (A brief recess.)

24 JUDGE TOREM: We will be back on the
25 record. It's 11:15. I have been handed a number of

0048

1 the stipulated orders that we talked about. At this
2 point what we are going to do is take the cases one at
3 a time. The first one is going to be back with Danny
4 the Mover. This is Docket TV-131600.

5 I have already sworn in both Daniel Eddy and
6 Janyce Stone earlier. You are both still under both.

7 MR. EDDY: Yes.

8 JUDGE TOREM: I have been handed the
9 stipulated order in your case.

10 Ms. McCloy, can you summarize what the order
11 is doing for me?

12 MS. McCLOY: Commission Staff recommends
13 that Daniel Eddy and Janyce Stone, d/b/a Danny the
14 Mover, be assessed a financial penalty in the amount
15 of \$5,000 for two violations of RCW 81.80.075(1). A
16 \$4,500 portion of the penalty will be suspended for
17 two years from the date of this order, then waived
18 subject to the condition that Daniel Eddy and Janyce
19 Stone, d/b/a Danny the Mover, refrains from further
20 operations as a household goods carrier without first
21 obtaining a permit from the Commission. The remainder
22 of the penalty, \$500, is due and payable subject to
23 the payment schedule in Appendix A.

24 JUDGE TOREM: All right. Let me flip
25 to -- Page 6 of the order has you paying some portion

0049

1 of the penalty today and having it all paid off by
2 December 8th.

3 MR. EDDY: Yes.

4 JUDGE TOREM: Page 3 of the order -- and
5 you will get a copy of this, and I hope you reviewed
6 it -- says that the company has agreed to shut down
7 and cease operations as a household goods carrier.
8 The order tells you to immediately cease and desist
9 operations per the agreement.

10 And then you will see on Page 4, carrying over
11 to Page 5 is the part that I wanted to make sure says
12 it explicitly. It's a two-year penalty suspension
13 subject to refraining from further operations without
14 first obtaining the required permit. What it means is
15 if you get the permit, then we don't worry about it.

16 MR. EDDY: Yeah.

17 JUDGE TOREM: Now, that penalty could be
18 interpreted if you stop operating under the permit it
19 goes inactive, or for some reason you keep working
20 without it, then that might still be imposed for that
21 period of two years, but it allows you to operate, so
22 long as you have the permit. Is that your
23 understanding?

24 MR. EDDY: Yeah, absolutely.

25 JUDGE TOREM: Did you have a chance to

0050

1 talk about the penalty and why it's being imposed?

2 MR. EDDY: Yeah, we get it. We
3 understand. I mean it's -- you know, I mean that's --
4 I don't know what to say.

5 JUDGE TOREM: If we don't see you back
6 here, then we know you got it.

7 MR. EDDY: Exactly, that's the plan.

8 JUDGE TOREM: I just don't want it to be
9 seen as a cost of doing business, but a penalty that
10 was \$5,000 is being enforced at essentially a
11 10 percent level.

12 MR. EDDY: Yeah.

13 JUDGE TOREM: But the bigger cost, if
14 you continue to do business without waiting to get
15 that permit --

16 MR. EDDY: Yeah.

17 JUDGE TOREM: -- will be that remaining
18 4500.

19 MR. EDDY: Okay.

20 JUDGE TOREM: For the rest of you also,
21 if you are back a second time, the penalty level goes
22 up. If you violate a Commission order, especially one
23 you have agreed to and you understand, the penalties
24 can be \$10,000 per occurrence.

25 Now, our job is not to put companies that want

0051

1 to comply out of business, it's simply to make sure
2 that everybody is on a level playing field. If you've
3 got a permit, you have the right to do all those
4 things that a household goods mover is expected to do
5 in the state. You don't want your competition running
6 around without insurance, making you look bad. You
7 don't want them running around without a permit from
8 us. Our job is to enforce that so everybody is on a
9 level field.

10 I'm going to go ahead and sign. I see that
11 Mr. Eddy and Ms. Stone have both signed the order
12 already. I'm going to sign this one.

13 Today it says that a penalty payment of \$100
14 is due. I'm not sure if you have already arranged for
15 that payment?

16 MR. EDDY: Yeah, we just need to know
17 where to go to pay it.

18 JUDGE TOREM: We will make sure that
19 Staff gets you to the right person to pay that
20 penalty.

21 MR. EDDY: Okay.

22 JUDGE TOREM: The other due dates are a
23 month apart. If you are going to miss the payment for
24 any reason, please call and arrange for a schedule.
25 We don't want any surprises and nor do you --

0052

1 MR. EDDY: Yeah.

2 JUDGE TOREM: -- to find out that they
3 are trying to enforce the remainder of the penalty.

4 MR. EDDY: We won't miss them. They
5 will be handled.

6 JUDGE TOREM: Any questions for me?

7 MR. EDDY: No.

8 JUDGE TOREM: Ms. McCloy, anything else
9 on this case?

10 MS. McCLOY: No.

11 JUDGE TOREM: Thank you both. Good luck
12 with the business. Hopefully we can get their permit
13 processed sooner rather than later.

14 MR. EDDY: Yeah.

15 JUDGE TOREM: And we will remind staff
16 that's processing the permit, to see if they can't
17 expedite yours as a courtesy for you being here today.
18 I can't promise you a date certain. It will be as
19 soon as the Commission can get to it.

20 MR. EDDY: I appreciate it.

21 MS. STONE: Thank you.

22 MR. EDDY: Thank you very much.

23 JUDGE TOREM: Thank you both.

24 The next case I want to call is TV-131609 for
25 Quick Move. This is Mr. Orellana. Sir, I haven't

0053

1 sworn you in yet. I am going to go ahead and do that
2 now.

3

4 ORLANDO ORELLANA, having been first duly
5 sworn on oath testified
6 as follows:

7

8 JUDGE TOREM: Mr. Orellana, it looks
9 like you have a similar order here. I am going to ask
10 Ms. McCloy to summarize and then I will ask you some
11 questions.

12 MS. McCLOY: Commission Staff recommends
13 that Orlando Orellana, d/b/a Quick Move, be assessed a
14 financial penalty in the amount of \$5,000 for two
15 violations of RCW 81.80.075(1). A \$4,500 portion of
16 the penalty will be suspended for two years from the
17 date of this order, then waived subject to the
18 condition that Orlando Orellana, d/b/a Quick Move,
19 refrains from further operations as a household goods
20 carrier without first obtaining a permit from the
21 Commission. The remainder of the penalty, \$500, is
22 due and payable immediately.

23 JUDGE TOREM: Mr. Orellana, you told me
24 earlier that this was a side business and a side job
25 for you at the apartment complex. So you have agreed

0054

1 that you are not doing this as any part of your
2 business anymore; is that correct?

3 MR. ORELLANA: Yes, sir.

4 JUDGE TOREM: And you have agreed to pay
5 the full \$500 penalty today?

6 MR. ORELLANA: Yes, sir.

7 JUDGE TOREM: You understand, though, if
8 the Commission goes out and finds you are in fact
9 moving again, then the remaining \$4500 from this order
10 would be due and payable?

11 MR. ORELLANA: Yes, I understand that.

12 JUDGE TOREM: All right. So I don't
13 want to see you back.

14 MR. ORELLANA: You won't see me anymore.

15 JUDGE TOREM: Make sure that your
16 apartment residents hire a mover that has a permit
17 from the UTC if they are going to be moving in and
18 around your area. And if you know anybody that's
19 offering those services and you know they don't have a
20 permit, you should recommend they call us before we
21 call them, right?

22 MR. ORELLANA: Yes, sir.

23 JUDGE TOREM: Do you have any questions
24 about today's proceedings?

25 MR. ORELLANA: No.

0055

1 JUDGE TOREM: You are making it easy for
2 me. I hope that this is easy for you to move on from
3 and stick with the apartment complex. If you decide
4 you want to open a moving business, you know how to do
5 it now, right?

6 MR. ORELLANA: Yes, sir.

7 JUDGE TOREM: I'm going to sign this
8 order and get you on your way back to the residents up
9 north. They will make a copy of this for you, and
10 arrange for you to -- help get your payment in today,
11 if that's how you choose to do it.

12 MR. ORELLANA: Yes, sir. Thank you.

13 JUDGE TOREM: The next case I would like
14 to call is Mr. Boubacar Zida. This is TV-131610, for
15 Yako Home Moving.

16 Mr. Zida and Ms. Brown -- I'm not sure,
17 Ms. Brown, if you are going to want to testify or not,
18 but I can swear you both in, just in case there are
19 any questions.

20 MS. BROWN: Sure.

21 JUDGE TOREM: If you will both stand and
22 raise your right hand.

23

24 BOUBACAR ZIDA and GINA BROWN, having been first duly
25 sworn on oath testified

0056

1 as follows:

2

3 JUDGE TOREM: Have a seat.

4 I'm going to ask again Ms. McCloy to summarize
5 how your case is being processed. It looks like we do
6 have the stipulated order we talked about before the
7 break.

8 MS. McCLOY: Commission Staff recommends
9 that Boubacar Zida, d/b/a Yako Home Moving, be
10 assessed a financial penalty in the amount of \$5,000
11 for two violations of RCW 81.80.0 75(1). A \$4,500
12 portion of the penalty will be suspended for two years
13 from the date of the order, then waived subject to the
14 condition that Boubacar Zida, d/b/a Yako Home Moving,
15 refrain from further operations as a household goods
16 carrier without first obtaining a permit from the
17 Commission. The remainder of the penalty, \$500, is
18 due and payable subject to the payment schedule in
19 Appendix A.

20 JUDGE TOREM: And I'm looking at that
21 payment schedule. It looks like, Mr. Zida, it is
22 being split into three parts.

23 MR. ZIDA: Yes.

24 JUDGE TOREM: So is it your
25 understanding that you are not to do any moving until

0057

1 you get your permit?

2 MR. ZIDA: Yes.

3 JUDGE TOREM: And from our discussion
4 earlier, everything is already on file with the
5 Commission to get your permit?

6 MR. ZIDA: Yes.

7 JUDGE TOREM: Do you have any questions
8 about the order itself?

9 MR. ZIDA: No, sir.

10 JUDGE TOREM: And the payment schedule,
11 you are going to be able to make the first payment
12 today?

13 MR. ZIDA: Yes.

14 JUDGE TOREM: Ms. Brown, do you have any
15 questions or anything to add?

16 MS. BROWN: No.

17 JUDGE TOREM: Again, you guys are making
18 it relatively easy for me, not a lot of questions. We
19 have covered most before the break.

20 I know, Mr. Zida, that you have been through a
21 process which was a little bit more intensive before
22 with a previous permit. I am hoping that this will be
23 the last time we see you back at the Commission for
24 any enforcement actions.

25 MR. ZIDA: Okay.

0058

1 JUDGE TOREM: And that we can make sure
2 that if there is any questions about your permit, your
3 insurance, that you are in touch with Staff and keep
4 it current.

5 MR. ZIDA: Yes.

6 JUDGE TOREM: Because I think Staff
7 could have asked, based on prior history, for a higher
8 penalty in this case. I am hoping that, you know,
9 again we keep you compliant, not out of business, but
10 that this will be the last time we see you for an
11 enforcement issue.

12 MR. ZIDA: Yes, sir.

13 JUDGE TOREM: So I'm going to sign the
14 order, get you on your way, and hope that we hear good
15 things from your clients, and that the payments come
16 in today, November 8th, and December 8th.

17 MR. ZIDA: Yes.

18 JUDGE TOREM: Any questions?

19 MR. ZIDA: No.

20 JUDGE TOREM: Thank you. That's all I
21 have.

22 MS. BROWN: How do we make the payments?
23 Sorry.

24 MS. McCLOY: Staff will take you to --

25 MS. BROWN: Okay.

0059

1 JUDGE TOREM: She is going to make sure
2 that you know where to make today's payment and where
3 to send the other two.

4 MS. BROWN: Okay.

5 JUDGE TOREM: Mr. Luna-Lopez. This is
6 Docket TV-131607.

7 Sir, let me swear you in very quickly. And I
8 understand Staff will be making a different motion in
9 your case.

10

11 JORGE LUNA-LOPEZ, having been first duly
12 sworn on oath testified
13 as follows:

14

15 JUDGE TOREM: Mr. Luna-Lopez, when we
16 came in earlier you were telling me that you had not
17 been operating a business.

18 MR. LUNA-LOPEZ: No.

19 JUDGE TOREM: And when I looked at the
20 case file it said that you had a previous permit,
21 which you said you had shut everything down.

22 MR. LUNA-LOPEZ: Yes.

23 JUDGE TOREM: Can you tell me a little
24 bit more about that now under oath?

25 MR. LUNA-LOPEZ: Before the permit?

0060

1 Before?

2 JUDGE TOREM: Well, since then. You
3 shut that business down; is that right?

4 MR. LUNA-LOPEZ: Yes, I shut the
5 business down because my insurance was really, really
6 high. I was paying about \$900 a month just for one
7 truck, a single truck. I decided to stop and just
8 cancelled the permit. I talked to Tina. If don't
9 know if she's --

10 JUDGE TOREM: Yes, Ms. Leipski handles
11 a lot of our permitting.

12 MR. LUNA-LOPEZ: Yes. And then I just
13 talked about it, and then I just shut down the
14 business totally. And then --

15 JUDGE TOREM: About when was that?

16 MR. LUNA-LOPEZ: About the end of, I
17 think it was of 2012. I'm not sure about that. When
18 I shut down I just stopped totally. I kept the truck.
19 I keep my tools there. I'm just doing some
20 construction work around. And then -- but I don't use
21 the truck. I don't charge money, I don't charge
22 people to move things around. Sometimes I help my
23 friends, but I don't give any receipts, nothing, and
24 then -- but I'm not conducting any business.

25 And then I have the master license, which is

0061

1 already closed, as I said this morning. I closed it
2 in 2012.

3 JUDGE TOREM: And Ms. McCloy, you showed
4 her all that paperwork?

5 MR. LUNA-LOPEZ: Yes.

6 JUDGE TOREM: And you had a chance to
7 look at her declaration that said why they thought you
8 were still moving?

9 MR. LUNA-LOPEZ: Yes, I had a chance to
10 look. And then the declaration says that I -- it
11 shows that I still have the master license, which is
12 the UBI. It's not active, it's off. I took it off in
13 2012.

14 JUDGE TOREM: Ms. McCloy, what else did
15 you find out about this case?

16 MS. McCLOY: Well, Mr. Luna-Lopez and I
17 discussed the advertisements. He stated that he is
18 not actually the one advertising under the Pro Movers
19 name and that this is not his telephone number. The
20 reason that we thought that he was involved in this
21 advertising was because the person stated his business
22 name when I asked for more information about their
23 identity.

24 JUDGE TOREM: So somebody, it sounds
25 like, might be using --

0062

1 MR. LUNA-LOPEZ: Yes.

2 JUDGE TOREM: -- your old business name?

3 MR. LUNA-LOPEZ: Yes. Like I said,
4 there is a -- I used to hire guys, people that helped
5 me before, did some moves around, but I had the
6 permit. They might know my name, business name or
7 something.

8 JUDGE TOREM: So did you recognize the
9 telephone number that's in those ads?

10 MR. LUNA-LOPEZ: I don't recognize it,
11 no.

12 JUDGE TOREM: All right.

13 MR. LUNA-LOPEZ: It's not my number.

14 JUDGE TOREM: It sounds like we have
15 some further investigation to do.

16 MS. McCLOY: Yes.

17 JUDGE TOREM: What does Staff want to do
18 in this case, then? Are you convinced, Staff, that
19 Mr. Luna-Lopez is not the one operating the business
20 you saw advertised?

21 MS. McCLOY: Staff moves to dismiss the
22 complaint.

23 JUDGE TOREM: Let me ask one further
24 question, though. When you made a phone call to try
25 to set up a move, was it to the phone number in the

0063

1 ad?

2 MS. McCLOY: Yes.

3 JUDGE TOREM: And it wasn't to anyone
4 that Mr. Luna-Lopez has ever been associated with, as
5 far as you know?

6 MS. McCLOY: As far as we know.

7 JUDGE TOREM: So your motion is to
8 dismiss the complaint. There would be no penalty,
9 there would be no order entered right now.
10 Mr. Luna-Lopez, a separate order will dismiss the
11 action based essentially on mistaken identity. We
12 believe it's not you.

13 MR. LUNA-LOPEZ: And then I have another
14 question. Since I have the truck, do I still require
15 the DOT number, because it's still active, but not
16 under the --

17 JUDGE TOREM: I don't know. For our
18 jurisdiction, we only require the DOT number as part
19 of the application to move.

20 MR. LUNA-LOPEZ: Okay.

21 JUDGE TOREM: To operate that truck on
22 the highway, I would check directly with DOT, whether
23 it's the state or the U.S. DOT, to make sure that you
24 have the appropriate number so that license is
25 roadworthy.

0064

1 MR. LUNA-LOPEZ: Yeah.

2 JUDGE TOREM: The two gentlemen in the
3 back from the state patrol, if they know anything
4 about commercial enforcement, might be able to help
5 you answer that question.

6 MR. LUNA-LOPEZ: Okay.

7 JUDGE TOREM: I haven't met these two
8 gentlemen before, so I can't say if they specialize or
9 know about that part of state patrol enforcement. But
10 that would be the next question. If they see a truck
11 on the highway that they know has to have a permit,
12 and it's not painted on the door or otherwise current,
13 then you would be dealing with those guys.

14 MR. LUNA-LOPEZ: Right.

15 JUDGE TOREM: But that's beyond the UTC
16 jurisdiction at this point.

17 MR. LUNA-LOPEZ: And also, as I
18 mentioned before, I have been involved in accidents in
19 the last year or whatever, so I can't work by doctor's
20 orders. I have all the paperwork.

21 JUDGE TOREM: I saw your envelope said
22 "Medical Records." It doesn't sound like it will be
23 necessary to show those to me today.

24 MR. LUNA-LOPEZ: Okay.

25 JUDGE TOREM: But if you've had a chance

0065

1 to discuss those with Staff, you have convinced
2 Ms. McCloy that we are mistaken. I'm sorry to drag
3 you down here.

4 MR. LUNA-LOPEZ: That's fine. I just
5 came here to just make sure everything is fine because
6 I don't want to get a penalty. The first time I get a
7 3,000 or something penalty. It was dismissed because
8 I applied for the permit. And then I just tried the
9 business, and I seen the business was so slow and lots
10 of competition around, and so I decided to shut down
11 the business.

12 JUDGE TOREM: If you feel healthier and
13 you come back to the business, you know to apply for
14 the permit first.

15 MR. LUNA-LOPEZ: I know. I have the
16 forms.

17 JUDGE TOREM: If for some reason you
18 know or have come to know who is operating under your
19 old business name, make sure you take Ms. McCloy's
20 card with you.

21 MR. LUNA-LOPEZ: I will.

22 JUDGE TOREM: And we can make sure that
23 that person gets the same message and maybe disappear
24 in a few months when we have another session.

25 Again, I apologize for the Commission thinking

0066

1 you were someone you are not.

2 MR. LUNA-LOPEZ: That's fine.

3 JUDGE TOREM: I will enter an order
4 dismissing. You will get an order in the mail showing
5 that there is no penalty due and that the complaint is
6 dismissed.

7 Thank you for your time.

8 MR. LUNA-LOPEZ: Thank you.

9 JUDGE TOREM: I have one more order to
10 enter and I understand that Mr. Rickey Clasablanca --
11 is that you, sir?

12 MR. CLASABLANCA: Yes, sir.

13 JUDGE TOREM: We will take your case up
14 shortly. I wanted to make sure the folks that did
15 show up on time this morning, we can deal with them,
16 and then I can explain to you how everything is
17 working.

18 Mr. Luna-Lopez, you are free to go. You will
19 receive -- as long as we have your current mailing
20 address, then we will send that order of dismissal to
21 you there.

22 MR. LUNA-LOPEZ: Thank you.

23 JUDGE TOREM: The last case to deal with
24 this morning that carried over from the break is
25 TV-131605, Mr. Lima.

0067

1 Let me swear you in.

2

3 GERALDO LIMA, having been first duly
4 sworn on oath testified
5 as follows:

6

7 JUDGE TOREM: Mr. Lima, I have a
8 stipulated order here on a cease and desist, much like
9 the others. I am going to ask Ms. McCloy to summarize
10 it and then see if you understand it and see if there
11 is any questions I have on your case, okay?

12 MR. LIMA: Okay.

13 JUDGE TOREM: Ms. McCloy?

14 MS. McCLOY: Commission Staff recommends
15 that Geraldo Lima, d/b/a Best Price Moving and
16 Delivery, be assessed a financial penalty in the
17 amount of \$5,000 for two violations of RCW
18 81.80.075(1). The entire penalty will be suspended
19 for two years from the date of the order, then waived
20 subject to the condition that Geraldo Lima, d/b/a Best
21 Price Moving and Delivery, refrains from further
22 operations as a household goods carrier without first
23 obtaining a permit from the Commission.

24 JUDGE TOREM: I'm just looking at the
25 order here on Page 3. We need to just make sure that

0068

1 it's the entire penalty that you are seeking to
2 have --

3 MS. McCLOY: Yes.

4 JUDGE TOREM: I am just going to pen in
5 ink a change that says the entire penalty is suspended
6 for two years and then waived. Sometimes filling out
7 these forms, we have to make sure all the blanks get
8 worked through.

9 Mr. Lima, what I understand is, much like the
10 other movers, that Staff finds that you are
11 essentially admitting yes, you were advertising and
12 offering to conduct moves, but for whatever discussion
13 you had with Ms. McCloy and Ms. Pearson, they are not
14 imposing any penalty today.

15 My understanding is you said you had waited
16 when you got served with this notice and you stopped
17 your business, and you are still applying for the
18 permit; is that correct?

19 MR. LIMA: That's right.

20 JUDGE TOREM: Do you know what status, I
21 don't have it in my notes, where the permit is?

22 MR. LIMA: I have to provide -- these
23 are difficult names. I think from the labor
24 department.

25 JUDGE TOREM: Labor & Industries?

0069

1 MR. LIMA: Industries, yeah. And
2 another one I have to apply. I will try to do this
3 today or tomorrow, if my daughter will help me.

4 JUDGE TOREM: Okay. And so you are
5 confident you are going to be able to get everything
6 filed and obtain a permit?

7 MR. LIMA: I think so.

8 JUDGE TOREM: Now, when you get a
9 permit, you have to make sure the insurance stays
10 current and make sure our staff, if you have any
11 questions, tells you about what you have to send to
12 the Commission every year. There is usually an annual
13 report.

14 MR. LIMA: Okay.

15 JUDGE TOREM: And sometimes I find that
16 moving businesses forget to send that in and then they
17 get a letter in the mail with more penlites. I would
18 rather see your business go smoothly. And while you
19 are here, or if you are back in Olympia with your
20 daughter to get those other permits that you need,
21 make sure you talk with either Tina Leipski or someone
22 else from Staff to understand everything that is
23 involved.

24 Do you keep a calendar?

25 MR. LIMA: Yes, I do.

0070

1 JUDGE TOREM: So if you could mark the
2 dates that renewals are due or that reports are due,
3 then you won't forget them or be surprised.

4 MR. LIMA: Once a year?

5 JUDGE TOREM: Yes, once a year they come
6 due. It's important, when you get your calendar, to
7 mark those events, if you want to run the business
8 according to our regulations.

9 The order is all in English and it has -- it's
10 fairly complicated legal forms. Are you having any
11 issues with language and understanding the forms and
12 the records requirements?

13 MR. LIMA: Because sometimes -- I'm not
14 speak proper English. Sometimes it's difficult to
15 understand. People say they could understand very
16 well. I think I can handle that.

17 JUDGE TOREM: I just want to make sure
18 that you understand there is no penalty being imposed.

19 MR. LIMA: I understand.

20 JUDGE TOREM: But I want to make sure
21 you understand the term of stopping, waiting --

22 MR. LIMA: I understand.

23 JUDGE TOREM: -- and getting the permit.

24 MR. LIMA: I understand that.

25 JUDGE TOREM: Some of the other agencies

0071

1 may also have their forms in Spanish, if you want to
2 look at them. I don't know that we have gone that far
3 yet, to have our moving permits in Spanish, but the
4 Commission will probably get there soon. So long as
5 you understand --

6 MR. LIMA: I understood.

7 JUDGE TOREM: And if you need help --

8 MR. LIMA: I understand. I speak
9 Portuguese, so...

10 JUDGE TOREM: So it's not Spanish, it's
11 Portuguese?

12 MS. McCLOY: I apologize.

13 MR. LIMA: It's okay. My daughter will
14 help.

15 JUDGE TOREM: So long as you get the
16 language assistance you need. I want to make sure I'm
17 not signing an order that you don't understand or
18 can't understand.

19 MR. LIMA: All right.

20 JUDGE TOREM: So what I'm going to do is
21 sign the order. There won't be any penalty due. It
22 will simply require you to stay in compliance for the
23 next two years or risk having this \$5,000 penalty
24 imposed. That's why I wanted to make sure we --

25 MR. LIMA: I understand.

0072

1 JUDGE TOREM: -- are on the same page
2 here.

3 So I have changed the penalty page to say it's
4 the whole \$5,000 penalty, and I will sign the order
5 now.

6 MR. LIMA: Thank you.

7 JUDGE TOREM: So she will make you a
8 copy of this order and you can take it with you to
9 show that this matter is suspended for two years.

10 MR. LIMA: All right.

11 JUDGE TOREM: And then as soon as you
12 get your permit, you are free to begin business again.

13 MR. LIMA: Okay. I will wait for the
14 license. Thank you.

15 JUDGE TOREM: Thank you, sir.

16 MR. LIMA: Thank you.

17 JUDGE TOREM: That takes care of the
18 morning docket.

19 Let me call now Docket TV-131599,
20 Mr. Clasablanca. This is for Right Choice Movers.

21 MR. CLASABLANCA: Yes.

22 JUDGE TOREM: Sir, if you can just come
23 up.

24 MR. CLASABLANCA: (Complies.)

25 JUDGE TOREM: Let me swear you in and we

0073

1 will explain the procedures.

2

3 RICKEY CLASABLANCA, having been first duly
4 sworn on oath testified
5 as follows:

6

7 JUDGE TOREM: Have a seat, please.

8 MR. CLASABLANCA: (Complies.)

9 JUDGE TOREM: The microphone in front of
10 you is on if the red light is on.

11 Let me introduce myself, since you weren't
12 here this morning. I'm Adam Torem. I'm an
13 administrative law judge here with the Utilities and
14 Transportation Commission. This whole proceeding you
15 have been watching the tail end of is called mover's
16 court.

17 You got served, and I know I have read off
18 your docket number, back on September 13th, with an
19 allegation that you are running a moving business
20 without a permit, or advertising without a permit, or
21 both. The penalties involved for that under the law,
22 it's Revised Code of Washington 81.80.075, can be up
23 to \$5,000 per incident.

24 Staff has been, this morning, working with the
25 other movers that showed up. There were nine on the

0074

1 docket and you and two others weren't here for this
2 morning. I'm glad you did show up. The other two we
3 will deal with shortly. They will probably be held in
4 default for failing to appear and may be assessed the
5 full \$5,000 penalty.

6 We have been giving folks an opportunity to
7 choose one of two things, that they want to get into
8 compliance, which means they are going to either apply
9 for a permit or get out of the business entirely.
10 Either way, if you don't have a permit, we want folks
11 to stop moving until they get a permit. So some of
12 the gentlemen that you saw here may have permits by
13 the end of the week, but they have gone through all of
14 the procedures to get one. They still can't move
15 until they get that permit.

16 MR. CLASABLANCA: Can I ask you a
17 question?

18 JUDGE TOREM: Hold on one second.

19 The other option is to say, I don't think that
20 I should have a permit and I want a hearing. We had
21 one young lady come and say that she does no moves
22 within Washington, only moves state to state, and says
23 that we don't have jurisdiction. We set her for a
24 hearing next month to determine those facts.

25 Really, the choices are: I want a hearing,

0075

1 probably next month, or I want to talk about it today
2 with Staff and work something out and figure things
3 out.

4 Now, what is your question, sir?

5 MR. CLASABLANCA: Do you -- the permit,
6 you've got to have a permit to operate with a truck,
7 right?

8 JUDGE TOREM: Yes.

9 MR. CLASABLANCA: But can you -- you can
10 move the furniture if you are just doing labor
11 services, right?

12 JUDGE TOREM: We regulate household
13 goods moving, which means that someone is providing
14 the service of driving to the home --

15 MR. CLASABLANCA: Right.

16 JUDGE TOREM: -- loading the truck and
17 driving the truck away.

18 MR. CLASABLANCA: So what if I x'ed the
19 truck out and continue just doing labor services, does
20 that mean I've still got to get a permit?

21 JUDGE TOREM: We don't give a permit
22 just for that.

23 MR. CLASABLANCA: Okay.

24 JUDGE TOREM: That's something else,
25 where you may need a business license.

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1 MR. CLASABLANCA: I have that.

2 JUDGE TOREM: You may need some other
3 insurance and other items that might be advisable.
4 Our jurisdiction is once you start driving and moving
5 household goods, then you need a permit from the
6 Commission.

7 MR. CLASABLANCA: Okay, which I -- I
8 think I spoke to her in the past. I had to learn my
9 lesson the hard way. I understand my faults. I think
10 the best thing for me to say is I would rather
11 continue doing the labor thing and X the truck out
12 until I can get the proper equipment and then do
13 things the right way from there.

14 JUDGE TOREM: So what I am going to do
15 is give you a chance now, if you haven't done it
16 already, it sounds like you want to do what's called
17 an agreed cease and desist order. That will be for
18 going forward, you agree not to do it again.

19 MR. CLASABLANCA: Right.

20 JUDGE TOREM: As you have heard, most of
21 the folks have been offered essentially 10 percent of
22 the penalty, and if they can pay now, because they
23 agree yes, I did it in the past and a penalty is due,
24 it's paid out in one to three payments, typically.
25 You can work that out with Staff. Then I would enter

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1 the order requiring you to adhere to that payment
2 schedule, and agree to stop moving for the next two
3 years, otherwise, the remainder would come due.

4 So that's what you have heard me doing this
5 afternoon as well, just before noon here, dealing with
6 the other penalties.

7 MR. CLASABLANCA: Right.

8 JUDGE TOREM: What I would suggest is we
9 go off the record, I step out for a little bit, you
10 work with Mr. McCloy and Ms. Pearson.

11 MR. CLASABLANCA: Okay.

12 JUDGE TOREM: Work out whatever terms,
13 any questions you have about what you can and can't do
14 without a permit.

15 MR. CLASABLANCA: Right.

16 JUDGE TOREM: Then I will come back in,
17 go back on the record with the court reporter, make
18 sure you understand exactly that, enter the order, and
19 we will get you back on your way.

20 MR. CLASABLANCA: Okay.

21 JUDGE TOREM: Any other questions?

22 MR. CLASABLANCA: No.

23 JUDGE TOREM: Ms. McCloy, anything else
24 you want me to do on this docket before we go off the
25 record?

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1 MS. McCLOY: No.

2 JUDGE TOREM: All right. We will take
3 another brief recess. I'll just be down in my office.
4 Call me when you are ready and I will come right back
5 up.

6 MS. McCLOY: Okay.

7 JUDGE TOREM: Thank you. We are at
8 recess.

9 (A brief recess.)

10 JUDGE TOREM: Back on the record. It's
11 about five minutes to noon. Mr. Clasablanca is back
12 and I have been handed a draft of a stipulated order.

13 Ms. McCloy, can you summarize what is going on
14 here and then I will follow along with the record.

15 MS. McCLOY: Commission Staff recommends
16 that Rickey Clasablanca, d/b/a Right Choice Movers, be
17 assessed a financial penalty in the amount of \$5,000
18 for two violations of RCW 81.80.075(1). A \$4,500
19 portion of the penalty will be suspended for two years
20 from the date of the order, then waived subject to the
21 condition that Rickey Clasablanca, d/b/a Right Choice
22 Movers, refrains from further operations as a
23 household goods carrier without first obtaining a
24 permit from the Commission. The remainder of the
25 penalty, \$500, is due and payable subject to the

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1 payment schedule in Appendix A attached to the order.

2 JUDGE TOREM: So what I am seeing,

3 Appendix A calls for a \$50 payment today.

4 MR. CLASABLANCA: Yes.

5 JUDGE TOREM: And then 225 payable each

6 on November and December 8th.

7 MR. CLASABLANCA: Yes.

8 JUDGE TOREM: Mr. Clasablanca, what is
9 important to me is that we have an agreement. Page 3
10 of the order, Paragraph A, it says you have agreed to
11 shut down and cease operations as a household goods
12 carrier, but you are going to continue your business
13 outside of our jurisdiction as a pack-and-move --

14 MR. CLASABLANCA: Yeah labor, yeah.

15 JUDGE TOREM: So what is your
16 understanding of what you can do?

17 MR. CLASABLANCA: My understanding is I
18 can just provide labor services, not using the truck.
19 Just loading people's truck, or unloading, sending my
20 packing team to pack boxes, and that's pretty much it.
21 I'm okay with that because that's what I am really
22 good at, is the loading part. I can do it without a
23 truck. I'm not worried about it.

24 JUDGE TOREM: As long as someone that's
25 not employed in your business is providing or driving

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1 the truck, if you are separate from that, you should
2 be good to go.

3 MR. CLASABLANCA: Okay.

4 JUDGE TOREM: As long as we understand
5 that you are not trying to find a way around it.

6 MR. CLASABLANCA: No.

7 JUDGE TOREM: If you decide you want
8 anything to do with the truck --

9 MR. CLASABLANCA: I'm going to work my
10 way up to that. I'm talking to my family and doing
11 that right now because my name is everywhere. It
12 would be a good investment for them to get me a truck.
13 I think we would do real good. When that changes, the
14 proper things will happen.

15 JUDGE TOREM: I just want to make sure
16 we have you on record as saying you understand what
17 you can do.

18 MR. CLASABLANCA: Yes.

19 JUDGE TOREM: As I have said to a number
20 of folks this morning, I don't want to see you back
21 here. I want to make sure that the customers out
22 there are protected and that all the businesses are
23 held to the same standard, so we have a common
24 understanding on that.

25 I am going to sign the order, which is going

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1 to put you under this two-year chance, that you might
2 have to pay the remainder, \$4500, if the Commission is
3 to find you violating the terms of the order or
4 operating without a permit. But for now we will let
5 bygones be bygones with an initial payment of \$50
6 today --

7 MR. CLASABLANCA: Okay.

8 JUDGE TOREM: -- and the remaining \$225
9 payments twice, and get those started for you today.

10 MR. CLASABLANCA: Okay.

11 JUDGE TOREM: You will get a copy of the
12 order before you leave. Hopefully everything goes
13 smoothly from here. I'm trying to think what else, if
14 there were any questions I had for you. I don't think
15 so.

16 MR. CLASABLANCA: Okay.

17 JUDGE TOREM: I hope everything was
18 clear enough, that we did it in such short fashion
19 this afternoon, that you missed this morning's
20 proceeding.

21 Did you have questions about anything else?

22 MR. CLASABLANCA: No, I think I have
23 clarification --

24 JUDGE TOREM: Okay.

25 MR. CLASABLANCA: -- where you guys are

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1 coming from. I will just do the right thing and
2 everything will be all right.

3 JUDGE TOREM: I like to hear that.

4 MR. CLASABLANCA: That's it.

5 JUDGE TOREM: All right. Thank you,
6 sir.

7 MR. CLASABLANCA: All right. Thank you.

8 JUDGE TOREM: Now we have a couple other
9 pieces of business to take care of before we adjourn.

10 MS. McCLOY: Yes.

11 JUDGE TOREM: There are no other movers
12 or potential movers here in the room this morning.

13 MS. McCLOY: Yes.

14 JUDGE TOREM: As far as I can tell, we
15 still have Phoenix Moving and Logistics, Ricardo
16 Ernesto Lomedico has not appeared, and Innovative
17 Moving Company, Mr. Daryl Munn, have not appeared.

18 MS. McCLOY: That's correct.

19 JUDGE TOREM: Did you get any messages
20 from them as to an emergency this morning or any other
21 reasons?

22 MS. McCLOY: No, I did not.

23 JUDGE TOREM: How does Staff want to
24 proceed at this point?

25 MS. McCLOY: Staff wants to proceed with

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1 the default orders.

2 JUDGE TOREM: So let's turn first to
3 Docket TV-131606. If you can, Ms. McCloy, explain the
4 basis for Staff's complaint in this case, and
5 summarize the case you have made in your declaration
6 against the company. Then I can determine that there
7 is sufficient proof or not to uphold and enter a
8 default order, and then we can handle your
9 recommendation on penalty as well.

10 MS. McCLOY: Okay.

11 I began an investigation into Phoenix Moving
12 and Logistics when I received an e-mail from a
13 permitted carrier. I found a business license record
14 for Phoenix Moving and Logistics listing Ricardo
15 Ernesto Lomedico as the governing person. The record
16 listed a business and mailing address of
17 14009 - 49th Place West, Edmonds, Washington 98026.

18 JUDGE TOREM: And this is all summarized
19 in your declaration?

20 MS. McCLOY: Yes.

21 JUDGE TOREM: That is dated
22 September 3rd?

23 MS. McCLOY: Yes.

24 I conducted an Internet search and found a
25 website offering intrastate moving services in

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1 Washington, identifying Ricardo Ernesto Lomedico as
2 the founder/president of Phoenix Moving and Logistics.
3 I also found advertisements for the company on
4 www.facebook.com, Yelp.com, and Angieslist.com. The
5 telephone number provided in the advertisements for
6 Phoenix Moving and Logistics also appeared in
7 advertisements on Craigslist.org for Major Movers,
8 listing Joe as the sales contact.

9 According to Commission records, as of
10 August 21st, 2013 there was no record of Ricardo
11 Ernesto Lomedico, d/b/a Phoenix Moving and Logistics,
12 or Major Movers, now or ever holding a household goods
13 permit.

14 On May 24th I called both phone numbers listed
15 in the Major Movers advertisement. My phone call to
16 (512) 903-2773 reached a voicemail box for Phoenix
17 Moving. I requested an estimate for a move from a
18 two-bedroom house in Edmonds to another two-bedroom
19 house about 15 minutes away. I received a call back
20 from Joe, quoting me \$300 to \$425 for two movers and a
21 truck.

22 On July 25th, I received another e-mail from a
23 permitted carrier containing a link to an
24 advertisement for Phoenix Moving and Logistics on
25 Amazonlocal.com, offering a voucher for two hours of

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1 moving services with two movers and a truck for \$85.

2 On July 26th, I sent a letter to Ricardo
3 Ernesto, a/k/a Joe Lomedico, outlining the licensing
4 process for household goods movers, directing Joe
5 Lomedico, d/b/a Phoenix Moving and Logistics, to
6 become licensed within a reasonable time, cease
7 unpermitted operations, and outlining the consequences
8 of operating as an unpermitted household goods mover
9 in Washington state. Mr. Lomedico was required to
10 respond or apply for a permit by August 9, 2013.

11 On August 15th, I confirmed that the company
12 had not filed an application for a household goods
13 permit. I called (425) 239-2547 and left a message
14 for Joe Lomedico, requesting that he call me back
15 regarding the letter.

16 On August 19th I received a phone call from
17 Joe Lomedico. He said that he received the letter and
18 was aware that he was operating without a permit. He
19 said he was filling out the household goods permit
20 application and would mail it to the Commission by the
21 end of the week. He said he would remove his
22 advertisements.

23 On August 23rd, 2013, I confirmed that the
24 Commission had not received an application for a
25 household goods permit from Joe Lomedico, and that the

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1 company continued to advertise on
2 www.phoenixmovingandlogistics.net, www.facebook.com,
3 Yelp.com, and Angieslist.com. The company also
4 continues to advertise as Major Movers on
5 Craigslist.org.

6 JUDGE TOREM: Have you had any direct
7 contact with Mr. Lomedico since his call to say he was
8 going to fill out the paperwork?

9 MS. McCLOY: Yes. I called Mr. Lomedico
10 on September 26th, and left him a voicemail, asking
11 him to call me back. I called again on October 1st
12 and the line was busy. On October 4th I called again
13 and spoke with Mr. Lomedico. He confirmed that he
14 would be here today. I asked him what his intent was
15 for the hearing. He said that he has already begun
16 shutting down Phoenix Moving and that he plans to
17 return to work as a collections agent. I asked him if
18 he plans to cease and desist operations and he said
19 yes. I told him that if he does not appear, a default
20 order will be entered against his company which
21 carries a penalty of \$5,000. He said that he intended
22 to appear and demonstrate that he is shutting down his
23 business. I have confirmed that he has removed
24 advertisements.

25 JUDGE TOREM: So the advertisements that

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1 you said were up as of the end of August, which ones
2 are no longer operating?

3 MS. McCLOY: So he has taken down his
4 website, but he is still advertising on Yelp, Facebook
5 and Angie's List. I know that Yelp and Angie's List
6 are -- sometimes they have difficulty taking those
7 down for some reason. I was expecting him to be here
8 today so that we could discuss that.

9 JUDGE TOREM: How do you want to proceed
10 at this point, since he has failed to appear?

11 MS. McCLOY: At this time I would like
12 to issue a default order under RCW 34.05.440 and WAC
13 480-07-450 for failure to appear at this hearing.
14 Ricardo Ernesto Lomedico, d/b/a Phoenix Moving and
15 Logistics, has also failed to comply with a subpoena
16 issued by the Commission commanding him to appear at
17 the proceeding today and produce certain documents.

18 JUDGE TOREM: I am going to hold him in
19 default for failing to appear.

20 What do you want to do with regard to the rest
21 of the proof? I think that you have proved he has
22 offered a move. I also concur that the Commission
23 proved that he is advertising without a permit --

24 MS. McCLOY: Yes.

25 JUDGE TOREM: -- so enter those findings

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1 as part of the default order.

2 What about a penalty?

3 MS. McCLOY: I think that we should go
4 with the full \$5,000 penalty.

5 JUDGE TOREM: All right. I'm willing to
6 do that, given that he was expected to be here today.
7 If there is some indication later, that the Commission
8 wants to alter the penalty on good cause on your own
9 motion, or if Mr. Lomedico files for a petition for
10 review about the default or the order itself, then we
11 will take that up at that time.

12 MS. McCLOY: Okay.

13 JUDGE TOREM: For now I think that will
14 be appropriate. I will sign that order when you have
15 one ready to present.

16 MS. McCLOY: Yes.

17 JUDGE TOREM: Let's move to the next
18 one, which is Docket TV-131608, that's Innovative
19 Moving Company, and the representative should have
20 been Mr. Daryl Munn.

21 Why don't you go ahead and tell me what the
22 Commission did to bring this case forward.

23 MS. McCLOY: I began an investigation
24 into the activities of Innovative Moving Company in
25 June 2013, because I received an e-mail from a

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1 permitted carrier with links to advertisements
2 indicating that the company is conducting household
3 goods moves in the state of Washington. I reviewed
4 Commission records related Innovative Moving Company
5 to determine whether the company held a household
6 goods permit. According to Commission records, Daryl
7 Munn, d/b/a Innovative Moving Systems, filed an
8 application for household goods carrier authority on
9 June 21st, 2005. Mr. Munn's application was dismissed
10 as incomplete, and that was after his attendance at a
11 similar proceeding.

12 JUDGE TOREM: So what was the date on
13 that one?

14 MS. McCLOY: June 21st, 2005.

15 JUDGE TOREM: I don't think we had a
16 mover's court kick off then, so it must have been a
17 separate issue for him --

18 MS. McCLOY: Oh, okay.

19 JUDGE TOREM: -- or a separate year.

20 MS. McCLOY: He has applied several
21 times. I will continue.

22 In 2011, Mr. Munn, d/b/a Innovative Moving
23 Systems, was found to be conducting household goods
24 moves without a permit in Docket TV-111368.

25 JUDGE TOREM: I think that was part

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1 of --

2 MS. McCLOY: Okay.

3 JUDGE TOREM: I recognize his name as
4 well.

5 MS. McCLOY: Yes.

6 JUDGE TOREM: I think that 2011 docket
7 was probably the first mover's court.

8 MS. McCLOY: Okay.

9 The Commission classified Daryl Munn, d/b/a
10 Innovative Moving Systems, as a household goods
11 carrier and issued a stipulated order instructing
12 Mr. Munn to obtain a permit from the Commission no
13 later than November 7th, 2011, and before engaging in
14 business as a household goods carrier within the state
15 of Washington. That order became final on
16 September 29th, 2011, and Mr. Munn was assessed a
17 penalty of \$4,000 with \$3,600 suspended on a condition
18 that the company obtain a permit. Mr. Munn failed to
19 apply for a permit and the full \$4,000 penalty was
20 imposed on December 1st, 2011, and that debt was
21 forwarded to a collection agency on June 1st, 2012.

22 JUDGE TOREM: Do you know if there were
23 any payments made prior to it going to collections?

24 MS. McCLOY: There were no payments
25 made.

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1 JUDGE TOREM: All right. So not only no
2 payments, but also no attempt to get a permit?

3 MS. McCLOY: Right.

4 On June 21st, 2013, I conducted an Internet
5 search for advertising for Innovative Moving. I found
6 15 advertisements on Craigslist.org offering local and
7 intrastate household goods moving services and
8 containing testimonials recommending Daryl. On
9 June 21st, 2013, I called the telephone number in the
10 advertisements and spoke with Daryl. I asked him for
11 an estimate for a move from a two-bedroom house in
12 Lakewood to a two-bedroom house in Olympia. He said
13 it would cost \$85 per hour for two men and a truck and
14 that this includes a one-way charge for travel. He
15 said that he has been a professional mover for over 21
16 years. He does continue to advertise on Craigslist
17 and Thumbtack.com and Yelp.com.

18 And service information. We work with
19 ABC Legal Service. A mandatory appearance letter, a
20 copy of the order, complaint, subpoena, and my
21 declaration were accepted on behalf of Mr. Munn by his
22 coresident, Rainy Hamilton, on September 7th, 2013 at
23 6:21 p.m., at the address on the company's business
24 license. Department of Licensing records confirm that
25 Mr. Munn resides at this address.

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1 I brought a copy of the ABC Legal invoice with
2 me today. I request that invoice be marked Exhibit 1
3 and entered into the record.

4 JUDGE TOREM: The address is the one in
5 Bremerton?

6 MS. McCLOY: Yes.

7 JUDGE TOREM: All right. You can hand
8 that up.

9 MS. McCLOY: Yes.

10 JUDGE TOREM: Have you had any other
11 communication with Mr. Munn since this case was first
12 initiated and he was served by ABC?

13 MS. McCLOY: I called Mr. Munn at
14 (360) 471-1754 on September 26, 2013, and October 1st,
15 2013. Both times I left him a voicemail, asking him
16 to call me back, to let me know of his intent for the
17 hearing. I told him that if he does not appear a
18 default order will be entered against his company
19 which carries a penalty of \$5,000. I did not receive
20 a call back from Mr. Munn.

21 JUDGE TOREM: This is a coresident of
22 his? I guess the legal term would be his regular
23 abode. This is the right address per the one that you
24 served at his business address and that you say
25 confirms that's where his residence is?

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1 MS. McCLOY: Yes.

2 JUDGE TOREM: And it's just been a
3 complete no communication from him?

4 MS. McCLOY: No communication.

5 JUDGE TOREM: All right. The Commission
6 has proved that he has been served. It has also
7 proved that the advertising that's attached to your
8 declaration, that the company continues to operate.
9 Not only responding to the telephone number, phone
10 calls, he's been asked for a quote, but also by
11 keeping the multiple services up on the advertising,
12 as you have detailed. I would entertain that motion
13 for default, as well as to enter an appropriate
14 penalty at this time.

15 What is the Commission's position on a
16 penalty?

17 MS. McCLOY: At this time, we would like
18 to issue an order classifying -- well, he has already
19 been classified.

20 JUDGE TOREM: We will do it again.

21 MS. McCLOY: Classifying the respondent
22 as a household goods carrier, ordering the respondent
23 to cease and desist, and impose penalties and a
24 default order. The Commission will find Daryl Munn,
25 d/b/a Innovative Moving Company, in default for

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1 failing to appear at the hearing. In addition, if
2 this initial order becomes final, Daryl Munn, d/b/a
3 Innovative Moving Company, will be classified as a
4 household goods carrier and assessed a financial
5 penalty in the amount of \$5,000 for two violations of
6 RCW 81.80.075(1), and be required to cease and desist
7 from operating as a household goods carrier without
8 first obtaining a permit from the Commission.

9 JUDGE TOREM: I'm going to grant that
10 motion, hold him in default for his failure to appear
11 today, and also make the appropriate findings that he
12 continues to be classified under Innovative Moving
13 Company or Innovative Moving Solutions. Whatever
14 business Mr. Munn is operating is classified as a
15 household goods carrier, and it is appropriate, based
16 on his continued action without a permit, and his
17 continued advertising and failure to respond to a
18 subpoena and complaint, that he been held in default
19 and pay a \$5,000 penalty.

20 My only concern on this one is that we have
21 been down this road with Mr. Munn before, about two
22 years ago. It would be helpful if we could get some
23 further superior court action from our friends in the
24 Attorney General's office on this particular mover,
25 rather than just simply refer this to collections,

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1 unless he does manage to pay it. But we also have the
2 cease and desist portion of the order to worry about.

3 MS. McCLOY: Yes.

4 JUDGE TOREM: I won't include that in
5 the order, but if you would relay that to the Attorney
6 General's office, that this particular one may deserve
7 some higher level attention because we haven't been
8 able to get him here today. He was here two years
9 ago. He didn't apparently get the message and is not
10 complying. It looks like that entire \$4,000 from last
11 time was sent to collections already and that hasn't
12 managed to get anything across.

13 MS. McCLOY: Right.

14 JUDGE TOREM: So with that, is there any
15 other business to conduct today?

16 MS. McCLOY: No, Your Honor.

17 JUDGE TOREM: Then I will take the other
18 two orders for default and sign those whenever they
19 are ready. We need to prepare an order dismissing the
20 case against Mr. Luna-Lopez, and a prehearing
21 conference order has to be prepared. I think we are
22 mainly done with the data --

23 MS. McCLOY: Yes.

24 JUDGE TOREM: -- on that for Ms. Chana
25 Green.

0096

1 That that will take care of all nine of the
2 items on the docket today.

3 MS. McCLOY: Great.

4 JUDGE TOREM: Then we are adjourned at
5 12:15.

6 (Mover's Court adjourned at 12:15 p.m.)

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STATE OF WASHINGTON

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COUNTY OF KING

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I, Sherrilyn Smith, a Certified

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Shorthand Reporter in and for the State of Washington,

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do hereby certify that the foregoing transcript is

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true and accurate to the best of my knowledge, skill

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and ability.

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SHERRILYN SMITH

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