

Docket No. TV-161252 - Vol. I

In the Matter of: Victor Dumitrascu d/b/a 2 Buff
Guys Moving and Dump

January 25, 2017



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1 BEFORE THE WASHINGTON
 2 UTILITIES AND TRANSPORTATION COMMISSION
 3 _____
 4 In the Matter of Determining)
 5 the Proper Carrier Classification)DOCKET NO. TV-161252
 6 of, and Complaint for Penalties)VOLUME I
 7 against,)
 8 }
 9 VICTOR DUMITRASCU d/b/a 2 BUFF)
 10 GUYS MOVING AND DUMP)
 11 _____
 12 MOVER'S COURT
 13 Pages 1-27
 14 ADMINISTRATIVE LAW JUDGE RAYNE PEARSON
 15 _____
 16 9:01 A.M.
 17 January 25, 2017
 18 Washington Utilities and Transportation Commission
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 25

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1 OLYMPIA, WASHINGTON; JANUARY 25, 2017
 2 9:01 A.M.
 3 --OOO--
 4 PROCEEDINGS
 5
 6 JUDGE PEARSON: Good morning. My name is
 7 Rayne Pearson. I'm the administrative law judge with
 8 the Washington Utilities and Transportation Commission.
 9 I am the presiding officer for today's hearing being
 10 conducted at the Commission's headquarters in Olympia.
 11 Today is Wednesday, January 25th, 2017, and
 12 the time is just after 9:00 a.m.
 13 Today's hearing involves a total of three
 14 household goods carriers. So the first thing we will do
 15 is take a roll call to determine who is present in the
 16 hearing room today.
 17 As you can see, there is a court reporter
 18 seated to my left creating a record of today's
 19 proceedings, so when I call your name, please raise your
 20 hand to identify yourself and also give a verbal
 21 response to the roll call such as "here" or "present."
 22 The first is Docket TV-161207, Dustin Wick,
 23 d/b/a Lifters Moving.
 24 Hearing nothing, Docket TV-161208, Ruben
 25 Escalera, d/b/a Northwest Moving and Delivery Services.

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1 MR. ESCALERA: Here.
 2 JUDGE PEARSON: Thank you.
 3 And finally, Docket TV-161252, Victor
 4 Dumitrascu. Is that how you say your name?
 5 MR. DUMITRASCU: Yes.
 6 JUDGE PEARSON: Okay. D/b/a 2 Buff Guys
 7 Moving and Dump.
 8 So there's one company that has not entered
 9 an appearance today, and that company is subject to
 10 being held in default and having an order entered
 11 against them without having a chance to address the
 12 Commission. So I will take that case up later this
 13 morning.
 14 Each of you are here because the Commission
 15 filed a complaint alleging that your company is
 16 performing or advertising to perform work as a household
 17 goods carrier without the required permit that's issued
 18 by the Commission. And the purpose of today's
 19 proceeding is to formally explain what your choices are
 20 and then hear from each of you regarding which option
 21 you choose.
 22 You can choose one of two options on behalf
 23 of your company. The first is to cease and desist
 24 providing, offering, or advertising unpermitted
 25 household goods services, and if you choose this option,

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<p>1 you'll need to demonstrate what you've done to shut down 2 your business either partially or completely to avoid 3 further enforcement action by the Commission. The 4 Commission is going to want to see sufficient proof that 5 you're no longer performing unlawful services, for 6 example, showing that you've taken down your 7 advertisements or changed or deactivated your website. 8 The second option is to request a formal 9 classification hearing to demonstrate why you don't need 10 a permit, and if you choose that option, then you're 11 contesting the allegations in the complaint and claiming 12 not to be conducting household goods moving services. 13 If you choose that option, we will schedule a formal 14 hearing for a date in the near future with a deadline 15 two to three weeks from now for both your company and 16 Commission Staff to declare all witnesses and file all 17 exhibits. 18 So each of you has a right to be heard by 19 the Commission. I will call you up to do that 20 individually. Commission Staff also has a right to be 21 heard and Ms. Rachel Jones will be representing the 22 Commission this morning. If you've not already met 23 Ms. Jones, she's seated to the table to my right and she 24 is a Commission compliance investigator. 25 So now that we've gone over the general</p>	<p>1 you choose to contest the allegations of the complaint, 2 like I said before, we will schedule another hearing for 3 the Commission to present evidence necessary to prove 4 its case. And if you're going to request a hearing, it 5 will help if you know your schedule for the next month 6 or so when we get to that point. 7 After I hear from each of you, we will take 8 a break for as long as we need to, usually about an 9 hour. That will provide Staff time to meet with each of 10 you and prepare a final disposition for your cases. 11 So, Ms. Jones, I will go ahead and swear you 12 in at this point so you're sworn in for the remainder of 13 the proceeding. 14 (Rachel Jones sworn.) 15 JUDGE PEARSON: You may be seated. 16 So I will call each of the companies up and 17 then we will turn to the companies who've not appeared 18 today probably after the break. We can call those up 19 and you can make your motion for default. It's also 20 possible that the remaining person could still show up. 21 So the first is Docket TV-161208, Ruben 22 Escalera, d/b/a Northwest Moving and Delivery Services. 23 If you could come forward. 24 MS. PAUL: I am going to fix the microphone. 25 JUDGE PEARSON: Okay.</p>
Page 6	Page 8
<p>1 options, I will explain the rest of today's proceeding. 2 In a few minutes, I will call each of you forward to 3 make your choice on how to proceed and at that time, I 4 will swear you in so that anything that you tell us will 5 be under oath and considered sworn testimony. Once 6 you're sworn in, I will ask you if you understand your 7 options for today's hearing and then ask you to state 8 which option you choose. And if there's anything else 9 you want to explain to me, you can do so at that time. 10 In each of the complaints, Commission Staff 11 has alleged that you're providing household goods moving 12 services without a permit and is also seeking to have a 13 penalty imposed. The law sets the maximum penalty for 14 each violation at \$5,000. Staff will be making a 15 penalty recommendation as part of any agreed order. 16 Ms. Jones will be explaining that recommendation, but 17 the Commission will be making the final decision about 18 the amount of penalty to be imposed. 19 If you choose to testify about how you're 20 getting out of the household goods business, I will 21 allow you to make a statement explaining how you plan to 22 do that, and depending on what kind of proof you can 23 provide, you should be able to reach an agreed order 24 resolving this matter with Commission Staff, and you can 25 speak to Ms. Jones about that during the recess. And if</p>	<p>1 Okay. If you could just go ahead and have a 2 seat. If you could just state your first and last name 3 for the record and spell your last name for the court 4 reporter. 5 MR. ESCALERA: My name is Ruben Escalera. 6 My last name is spelled E-s-c-a-l-e-r-a. 7 JUDGE PEARSON: Okay. And what is your 8 position with the company? 9 MR. ESCALERA: I am the sole proprietor of 10 the company that no longer exists. 11 JUDGE PEARSON: Okay. So before you -- 12 before you go on, why don't I swear you in and then you 13 can tell me a little bit more. 14 (Ruben Escalera sworn.) 15 JUDGE PEARSON: Okay. Go ahead and be 16 seated. And how do you want to proceed this morning? 17 MR. ESCALERA: Can I grab my notes, please? 18 JUDGE PEARSON: Sure. 19 MR. ESCALERA: I want to choose to cease and 20 desist. 21 JUDGE PEARSON: Okay. 22 MR. ESCALERA: Mm-hmm. 23 JUDGE PEARSON: That sounds good. And you 24 said that you've shut your company down or it doesn't 25 exist anymore?</p>

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1 MR. ESCALERA: That is correct.
 2 JUDGE PEARSON: Okay.
 3 And, Ms. Jones, have you had a chance to
 4 verify?
 5 MS. JONES: Yes, I have. He does still have
 6 an advertisement on Facebook.
 7 JUDGE PEARSON: Okay.
 8 MS. JONES: And that's it.
 9 JUDGE PEARSON: Okay. So do you wish to
 10 make a recommendation regarding the cease and desist
 11 order? Does Staff support that decision?
 12 MS. JONES: Just that he get rid of his
 13 Facebook advertisement.
 14 JUDGE PEARSON: Okay. So when we take a
 15 recess, you'll have the opportunity to chat with
 16 Ms. Jones and see if you can reach an agreement with
 17 respect to taking down your Facebook advertisement and
 18 whatever else you may need to do to satisfy Staff that
 19 your company is no longer in operation.
 20 MR. ESCALERA: Can I elaborate on that
 21 issue?
 22 JUDGE PEARSON: Yeah, sure.
 23 MR. ESCALERA: On the exhibits that you send
 24 me and the paperwork that you send me or somebody send
 25 me, this department here, if -- can you please go to

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1 Exhibit G or attachment C, page 1 of 4.
 2 MS. JONES: I'm here.
 3 MR. ESCALERA: That advertisement and the
 4 person who did the advertising is other than myself. I
 5 did not enter into this advertising. That is not the
 6 nature of the business I had at the time, and this
 7 website was not created by myself. Although it has my
 8 address and my company name on it, but I was not the
 9 originator of this advertisement.
 10 I did contact the company, I don't even
 11 know. I have to hire somebody to do it because I don't
 12 even know how to do this advertising. I am not very
 13 fond with technology. So this advertisement was never
 14 originated by me. It was originated by somebody else.
 15 I did call the company that does these things and they
 16 told me that it will take about two weeks. It's been
 17 already more than two weeks since I received this, and I
 18 don't know why it has not been taken out.
 19 But this was not originated by myself. You
 20 can look at the phone numbers in there. You can look at
 21 the other information, and this advertisement was not
 22 originated by me.
 23 JUDGE PEARSON: Okay. Okay. Well, you will
 24 have a chance to discuss that with Ms. Jones, and if
 25 possible, and if you two can reach an agreed order, it

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1 will essentially say that you agree that you were
 2 operating without a permit, that you advertised without
 3 a permit, and that you agree to stop operating until you
 4 get a permit if you decide that you want to get one.
 5 And once you're satisfied that you understand all the
 6 terms of the order, you and Ms. Jones can then sign it.
 7 And it will also include most likely an agreement about
 8 the amount of penalty to be imposed. But if not, you
 9 can make your case about why the penalty should be
 10 different from what Staff is recommending.
 11 Do you have any questions?
 12 MR. ESCALERA: Is there anything else that I
 13 can say to influence the decision that she's going to
 14 make? Because like I said, I do not know the whole
 15 procedures for this. I am on this side of the bench, so
 16 I would like to have an opportunity to defend myself in
 17 a fair way. I don't know how to do that.
 18 JUDGE PEARSON: You will have that
 19 opportunity when you speak with Ms. Jones, and I will
 20 say based on past experience, we have seen repeatedly
 21 that there are sometimes companies on the web that will
 22 generate advertisements for household goods companies
 23 that they didn't necessarily ask for. They might pull
 24 an advertisement from somewhere else and create a new
 25 advertisement. So I am aware that that does happen and

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1 that that can sometimes be beyond the company's control.
 2 MR. ESCALERA: I have some documentation to
 3 prove that all the links or links that were on this
 4 company are being closed or they have already been
 5 closed. So I don't know if I can say that in front of
 6 you or --
 7 JUDGE PEARSON: Sure. Yeah, that would be
 8 helpful. You should save it and show it to Ms. Jones,
 9 but I think that's exactly the kind of thing she is
 10 going to want to see so -- okay?
 11 MR. ESCALERA: Okay.
 12 JUDGE PEARSON: All right. So I will call
 13 the next -- but you can go ahead and have a seat until
 14 the break, and then they will escort you into the other
 15 room.
 16 And next is Docket TV-161252, Victor
 17 Dumitrascu, d/b/a 2 Buff Guys Moving and Dump.
 18 Good morning.
 19 MR. DUMITRASCU: Good morning.
 20 JUDGE PEARSON: So can you please state your
 21 first and last name for the record and spell your last
 22 name.
 23 MR. DUMITRASCU: Victor and then
 24 D-u-m-i-t-r-a-s-c-u.
 25 JUDGE PEARSON: Okay. And what's your

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1 position with the company?
 2 MR. DUMITRASCU: I'm the owner.
 3 JUDGE PEARSON: Okay. So if you could stand
 4 and raise your right hand, I'll go ahead and swear you
 5 in.
 6 (Victor Dumitrascu sworn.)
 7 JUDGE PEARSON: Okay. Go ahead and take a
 8 seat. And how would you like to proceed this morning?
 9 MR. DUMITRASCU: So I'm going to default the
 10 company until I get the proper permits. I just applied
 11 for the permits, so I'm waiting for that.
 12 JUDGE PEARSON: Okay. So you'll agree to
 13 cease and desist until --
 14 MR. DUMITRASCU: For household goods until I
 15 get the actual permits.
 16 JUDGE PEARSON: Okay. Great. So like I
 17 said to Mr. Escalera, you will have a chance to speak
 18 with Ms. Jones at the break.
 19 And, Ms. Jones, do you have a recommendation
 20 regarding the cease and desist? Do you support that?
 21 MS. JONES: I support that. The only thing
 22 I was able to find, he has closed down most of his
 23 advertisements.
 24 JUDGE PEARSON: Okay.
 25 MS. JONES: Is on Thumbtack, there is only

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1 one advertisement left on Thumbtack.
 2 JUDGE PEARSON: And I do think Thumbtack is
 3 one of those --
 4 MR. DUMITRASCU: I can't, yeah.
 5 JUDGE PEARSON: -- that you can't control.
 6 MS. JONES: But everything else has been
 7 shut down.
 8 JUDGE PEARSON: Okay.
 9 MR. DUMITRASCU: Yeah, I was hoping it was.
 10 I mean, I tried to, but...
 11 JUDGE PEARSON: Okay.
 12 MR. DUMITRASCU: Like Mr. Escalera, I am not
 13 good with technology too.
 14 JUDGE PEARSON: Okay. And so have you
 15 verified that an application for a permit has been filed
 16 with the Commission?
 17 MS. JONES: I checked yesterday and no, it
 18 hadn't been so...
 19 JUDGE PEARSON: Okay.
 20 MR. DUMITRASCU: I mailed it in yesterday.
 21 MS. JONES: Okay. So...
 22 JUDGE PEARSON: That will take a few days.
 23 Okay. So you heard everything that I said
 24 to Mr. Escalera, that you will have an opportunity to
 25 talk things over with Ms. Jones and then hopefully reach

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1 an agreement that will state that you agree to cease and
 2 desist advertising, providing, and offering household
 3 goods moves until you get your permit from us, and then
 4 hopefully agreeing on the amount of penalty to be
 5 imposed. And, again, if you can't agree, then you will
 6 have the opportunity to explain to me why you think it
 7 should be different.
 8 MR. DUMITRASCU: Okay.
 9 JUDGE PEARSON: Okay. So you can go ahead
 10 and have a seat.
 11 And, Ms. Jones, did you have any contact
 12 with Dustin Wick?
 13 MS. JONES: I attempted contact. It's been
 14 a little bit, two weeks ago, and I got a voicemail. I
 15 left a message requesting a call back, and I never
 16 received a call back.
 17 JUDGE PEARSON: Okay. All right. So at
 18 this point, we can go ahead and take a recess, and as
 19 soon as you have a chance -- each of you have a chance
 20 to review cease and desist orders, there will be some
 21 negotiation about the penalty. It may be nominal
 22 depending on the history of your company or there may be
 23 a reason Staff seeks a larger penalty, for example, if
 24 you've appeared here before, but neither of you have.
 25 Typically a portion of the penalty is suspended which is

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1 meant to deter you from future illegal operations. So
 2 you would pay a portion today and the remaining portion
 3 of the \$5,000 penalty would not become payable unless
 4 you violated the order by, again, advertising, offering,
 5 or providing a household goods move without a permit.
 6 So we can go ahead and take a break and when
 7 we come back, we will call each of you back up, make
 8 sure that you understand the order, and then I will sign
 9 it here in the hearing room today and you will leave
 10 with a signed copy.
 11 So, Ms. Jones, is there anything else before
 12 we take a break?
 13 MS. JONES: No, there is not.
 14 JUDGE PEARSON: Okay. So at 9:17, we will
 15 be at recess and then, Ms. Jones, I will be in my office
 16 if someone could just come grab me when you're ready to
 17 come back.
 18 Thanks.
 19 (Recess taken from 9:17 a.m. to 10:16 a.m.)
 20 JUDGE PEARSON: So let's be back on the
 21 record at 10:16. I understand that the cease and desist
 22 orders have been explained and presented to each
 23 company, and I just left them in my office.
 24 Susie, would you mind going and grabbing
 25 them for me? Thank you.

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<p>1 I will call the companies back up one at a</p> <p>2 time in the order that we went in before.</p> <p>3 So first is Mr. Escalera, if you could come</p> <p>4 up.</p> <p>5 Okay. Mr. Escalera, did you have a chance</p> <p>6 to walk through the order with Ms. Jones? If you could</p> <p>7 just please speak into the microphone on the table.</p> <p>8 MR. ESCALERA: Excuse me?</p> <p>9 JUDGE PEARSON: Did you have a chance to</p> <p>10 walk through the order with Ms. Jones?</p> <p>11 MR. ESCALERA: Yes.</p> <p>12 JUDGE PEARSON: Okay. And you understand</p> <p>13 everything that's in it? Did you have any questions</p> <p>14 about its contents?</p> <p>15 MR. ESCALERA: Yeah, but I'm not going to</p> <p>16 voice them.</p> <p>17 JUDGE PEARSON: Okay. So here comes the</p> <p>18 order. I did look at it. It looks like, for the</p> <p>19 record, Ms. Jones, you recommended two violations in</p> <p>20 this case, one for offering to move and one for</p> <p>21 advertising; is that correct?</p> <p>22 MS. JONES: Yes, it is.</p> <p>23 JUDGE PEARSON: Okay. And the \$5,000</p> <p>24 penalty will be imposed, but a \$4500 portion will be</p> <p>25 suspended and the company will pay \$500; is that</p>	<p>1 hadn't seen before; does that make sense?</p> <p>2 MR. ESCALERA: No. So how am I going to</p> <p>3 advertise something out of a company that has been shut</p> <p>4 down?</p> <p>5 JUDGE PEARSON: Well, if it's been shut</p> <p>6 down, then you wouldn't have to worry about it.</p> <p>7 MR. ESCALERA: Exactly.</p> <p>8 JUDGE PEARSON: What we're saying is if you</p> <p>9 decided to reopen the company, you understand that that</p> <p>10 would subject you to the penalty?</p> <p>11 MR. ESCALERA: Yes.</p> <p>12 JUDGE PEARSON: Okay. So the cease and</p> <p>13 desist order is permanent. So that does not expire</p> <p>14 after two years. So if after the two-year period Staff</p> <p>15 discovers you are still operating, Staff could go</p> <p>16 straight to superior court and seek enforcement of this</p> <p>17 order, so there's a very strong incentive for you to</p> <p>18 comply with the law. And it looks like there is a</p> <p>19 proposed payment schedule for the \$500 penalty and that</p> <p>20 you made a \$44 payment today; is that correct?</p> <p>21 MR. ESCALERA: Yes.</p> <p>22 JUDGE PEARSON: And you will make a second</p> <p>23 payment on or before February 27th and March 27th, both</p> <p>24 in the amount of \$228; is that correct?</p> <p>25 MR. ESCALERA: That is correct.</p>
Page 18	Page 20
<p>1 correct?</p> <p>2 MS. JONES: Yes, that is.</p> <p>3 JUDGE PEARSON: Okay. And for the record,</p> <p>4 Mr. Escalera, you're agreeing to shut down Northwest</p> <p>5 Moving and Delivery Services unless or until you get a</p> <p>6 permit; is that correct?</p> <p>7 MR. ESCALERA: It has been.</p> <p>8 JUDGE PEARSON: Okay. So the suspension</p> <p>9 period for the \$4,500 is two years from today's date,</p> <p>10 which is January 25th, 2019. That means if Staff finds</p> <p>11 an advertisement or you offer a move during that time,</p> <p>12 the remaining \$4500 becomes due and payable; do you</p> <p>13 understand that?</p> <p>14 MR. ESCALERA: No.</p> <p>15 JUDGE PEARSON: You don't understand that?</p> <p>16 MR. ESCALERA: No.</p> <p>17 JUDGE PEARSON: Okay. So what part are you</p> <p>18 struggling with?</p> <p>19 MR. ESCALERA: The part I have told you</p> <p>20 several times that the company has been shut down. How</p> <p>21 am I going to advertise when the company has already</p> <p>22 been shut down? So how am I going to advertise again if</p> <p>23 the company has been shut down?</p> <p>24 JUDGE PEARSON: What we're talking about is</p> <p>25 if a new advertisement were to pop up, say, one that she</p>	<p>1 JUDGE PEARSON: Okay. And you understand if</p> <p>2 you miss a payment, the entire amount including the</p> <p>3 \$4500 penalty will become due and payable?</p> <p>4 MR. ESCALERA: Correct.</p> <p>5 JUDGE PEARSON: Okay. And if for some</p> <p>6 reason you're going to be late making a payment, you</p> <p>7 just need to contact Staff and make arrangements. It's</p> <p>8 the failure to communicate that usually results in the</p> <p>9 penalty being imposed. So, you know, Staff can always</p> <p>10 work with you if you need to be a couple days late or</p> <p>11 something comes up, okay? And you also understand</p> <p>12 legally what you can and can't do?</p> <p>13 MR. ESCALERA: No.</p> <p>14 JUDGE PEARSON: You don't understand that?</p> <p>15 MR. ESCALERA: No, because the company is an</p> <p>16 LLC. I don't want the company to be shut down again.</p> <p>17 You're making this personal and it's an LLC. And when</p> <p>18 LLC company has been shut down, you're telling me as I</p> <p>19 am the company, and I am not the company. It's an LLC</p> <p>20 and the LLC company has been shut down. So when you're</p> <p>21 saying "you," you're saying me instead of the LLC. If</p> <p>22 the LLC has been dissolved, then you're saying when you</p> <p>23 do it again, so you're like saying, you know, don't ever</p> <p>24 do business again because we're going to penalize you.</p> <p>25 It was an LLC entity that has been dissolved.</p>

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1 JUDGE PEARSON: Okay. I understand that,
 2 and I don't mean you personally. I mean people in
 3 general. I am asking you whether you understand that
 4 you need a permit before you operate a household goods
 5 company in the state of Washington. That's all I'm
 6 asking, that you understand that now.
 7 MR. ESCALERA: Yeah, but you're not giving
 8 me that option. You're saying if I ever do it again.
 9 JUDGE PEARSON: Without a permit. We are
 10 absolutely giving you the option to get a permit. What
 11 we're saying is you can't do it again without a permit.
 12 If you want to do it, then please fill out an
 13 application and get a permit from the Commission.
 14 That's absolutely what we want you to do.
 15 MR. ESCALERA: Of course.
 16 JUDGE PEARSON: Okay? Do you have any
 17 additional questions?
 18 MR. ESCALERA: I wish on behalf of the
 19 people that are working out there that we can spend our
 20 taxpayers' money helping the small companies strive
 21 instead of persecuting them, but that's my personal
 22 opinion.
 23 JUDGE PEARSON: Thank you. So I have signed
 24 the order and, Ms. Jones, I will hand this to you and
 25 then, Mr. Escalera, they'll make a copy for you and you

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1 can leave here with that today.
 2 All right. So next is Docket TV-161252,
 3 Victor Dumitrascu.
 4 MR. DUMITRASCU: Hi.
 5 JUDGE PEARSON: So did you have a chance to
 6 walk through the order with Ms. Jones?
 7 MR. DUMITRASCU: I did.
 8 JUDGE PEARSON: Okay. And you understand
 9 its contents and what you've agreed to?
 10 MR. DUMITRASCU: I did, yes.
 11 JUDGE PEARSON: Okay. And I see that you
 12 have both signed it, and just for the record here,
 13 Ms. Jones, it looks like you are recommending again two
 14 violations, one for offering a move and one for
 15 advertising a move, correct?
 16 MS. JONES: Yes.
 17 JUDGE PEARSON: Okay. And the \$5,000
 18 penalty will be imposed here as well with a \$4,500
 19 portion suspended, and the company will make a \$500
 20 payment; is that correct?
 21 MS. JONES: Yes.
 22 JUDGE PEARSON: Okay. And it looks like the
 23 payment schedule that you've agreed to is three
 24 payments -- or sorry, two payments of \$167 each on
 25 February 2nd and March 2nd and a final payment of \$166

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1 on April 3rd; is that correct?
 2 MR. DUMITRASCU: Yes.
 3 JUDGE PEARSON: Okay. And for the record,
 4 you are agreeing to shut down unless you get a permit at
 5 some future date and you are currently working on your
 6 permit application, correct?
 7 MR. DUMITRASCU: That is correct.
 8 JUDGE PEARSON: Okay. So the suspension
 9 period for the \$4500, like I explained, is two years
 10 from today's date, and you heard everything that I said
 11 to Mr. Escalera, so you know that if Staff were to -- if
 12 you were for some reason to not get your permit or lose
 13 your permit and Staff found an advertisement or obtained
 14 an offer, the remaining \$4500 would become immediately
 15 due and payable.
 16 MR. DUMITRASCU: Okay.
 17 JUDGE PEARSON: Okay? And also the order to
 18 cease and desist is permanent. So, again, even if after
 19 that two years if for some reason you were no longer
 20 permitted and you were still operating, Staff could go
 21 straight to superior court to enforce this order that I
 22 am signing today.
 23 And also, again, if you miss a payment, the
 24 entire amount could become due, so it's important that
 25 you work with Staff if you need to make any adjustments

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1 to that payment arrangement. And also because you're
 2 applying for a permit, nonpayment of the penalty could
 3 threaten your permit status too. So it's really
 4 important that you make those payments because it sounds
 5 like your goal is to come into compliance and become a
 6 regulated mover so...
 7 MR. DUMITRASCU: Hopefully soon, yeah.
 8 JUDGE PEARSON: Okay. That sounds good.
 9 Okay. So -- and I will just remind you that
 10 Commission Staff is always available to assist and
 11 answer any questions if you have them, and I'm assuming
 12 they told you about the next household goods movers
 13 training we hold here at the Commission, but if not, you
 14 can talk with Ms. Jones afterwards about that.
 15 MR. DUMITRASCU: Okay.
 16 JUDGE PEARSON: And that will give you an
 17 opportunity to come here and learn all the ins and outs
 18 of running a household goods moving company and what's
 19 required of you to maintain your permit and make sure
 20 you're in compliance with Commission rules.
 21 MR. DUMITRASCU: Perfect. Thank you.
 22 JUDGE PEARSON: All right. So do you have
 23 any additional questions?
 24 MR. DUMITRASCU: I do not, no.
 25 JUDGE PEARSON: Okay. So I will sign this

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1 order. I will hand it down and you are free to go once
 2 you get your copy, okay?
 3 MR. DUMITRASCU: Thank you.
 4 JUDGE PEARSON: All right. Thanks for
 5 coming today.
 6 So that concludes the list of companies that
 7 were present in the hearing room today. There is no one
 8 else in the hearing room, so we can proceed with a
 9 motion for default for Docket TV-161207, Dustin Wick,
 10 d/b/a/ Lifters Moving.
 11 Ms. Jones, I've had a chance to review
 12 Docket TV-161207, the Commission's evidence that there
 13 was an offer to -- for an intrastate move in Washington
 14 and advertising that meets the definition of RCW
 15 81.80.075, engaging in business as a moving company
 16 without a household goods permit.
 17 So what is the Company's motion at this
 18 point with respect to Dustin Wick, d/b/a Lifters Moving?
 19 MS. JONES: We would like the default order
 20 classifying the defendant as a household goods carrier.
 21 We would like the order -- or order the defendant to
 22 cease and desist, and we would like to impose a full
 23 \$5,000 penalty for the two violations of offering a
 24 household goods move and advertising.
 25 Mr. Wick was served on January 4th of 2017,

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1 and as of today, he is still advertising as a household
 2 goods mover on Craigslist and on Yelp.
 3 JUDGE PEARSON: Okay. Staff also obtained
 4 an offer for a move?
 5 MS. JONES: Yes, two. One was on
 6 September 20th, 2016 and the other one was
 7 October 28th, 2016. Both are in the form of text
 8 messages.
 9 JUDGE PEARSON: Okay. Great. Thank you.
 10 And has this company ever filed for a permit
 11 with the Commission to your knowledge?
 12 MS. JONES: No.
 13 JUDGE PEARSON: Okay. And this default
 14 order, again, you said it was the full \$5,000 penalty,
 15 so nothing would be suspended, correct?
 16 MS. JONES: Yes, that's correct.
 17 JUDGE PEARSON: Okay. So I will grant your
 18 motion for Dustin Wick, d/b/a Lifters Moving, and I will
 19 sign the order holding the company in default.
 20 Okay. Is there any other business that we
 21 need to take care of today?
 22 MS. JONES: No, that's it. Thank you.
 23 JUDGE PEARSON: Okay. Thank you so much.
 24 We are adjourned.
 25 (Adjourned at 10:28 a.m.)

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1 CERTIFICATE
 2
 3 STATE OF WASHINGTON
 4 COUNTY OF THURSTON
 5
 6 I, Tayler Russell, a Certified Shorthand Reporter
 7 in and for the State of Washington, do hereby certify
 8 that the foregoing transcript is true and accurate to
 9 the best of my knowledge, skill and ability.
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 12 Tayler Russell, CCR
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