

Docket No. TV-170169 - Vol. I

In the Matter of: Eduardo Ponce d/b/a  
America's Moving Machine

April 26, 2017



1325 Fourth Avenue • Suite 1840 • Seattle, Washington 98101

**206.287.9066**

[www.buellrealtime.com](http://www.buellrealtime.com)

Olympia | **360.534.9066** Spokane | **509.624.3261** National | **800.846.6989**

email: [info@buellrealtime.com](mailto:info@buellrealtime.com)



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION

---

In the Matter of Determining ) DOCKET NO. TV-170169  
the Proper Carrier ) Volume I  
Classification of, and )  
Complaint for Penalties )  
Against )  
 )  
EDUARDO PONCE d/b/a AMERICA'S )  
MOVING MACHINE )

---

MOVER'S COURT

Pages 1-30

ADMINISTRATIVE LAW JUDGE RAYNE PEARSON

---

April 26, 2017

9:00 A.M.

Washington Utilities and Transportation Commission  
1300 South Evergreen Park Drive SW  
Olympia, Washington 98504

REPORTED BY: TAYLER RUSSELL, CCR 3358

Buell Realtime Reporting, LLC  
1325 Fourth Avenue, Suite 1840  
Seattle, Washington 98101  
(206) 287-9066 | Seattle  
(360) 534-9066 | Olympia  
(800) 846-6989 | National

[www.buellrealtime.com](http://www.buellrealtime.com)

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

A P P E A R A N C E S

ADMINISTRATIVE LAW JUDGE:

RAYNE PEARSON  
Washington Utilities and  
Transportation Commission  
1300 South Evergreen Park Drive SW  
Olympia, Washington 98504  
(360) 664-1160

FOR COMMISSION STAFF:

RACHEL JONES  
Compliance Investigator  
Consumer Protection  
Washington Utilities and  
Transportation Commission  
1300 South Evergreen Park Drive SW  
P.O. Box 47250  
Olympia, Washington 98504  
(360) 664-1129  
rjones@utc.wa.gov

\* \* \* \* \*

1 OLYMPIA, WASHINGTON; APRIL 26, 2017

2 9:00 A.M.

3 --000--

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

6  
7 JUDGE PEARSON: Good morning. My name is  
8 Rayne Pearson. I'm an administrative law judge for the  
9 Washington Utilities and Transportation Commission, and  
10 I am the presiding officer for today's hearing being  
11 conducted at the Commission's headquarters in Olympia.

12 Today is Wednesday, April 26th, 2017, and  
13 the time is 9:00 a.m.

14 Today's hearing involves a total of five  
15 household goods carriers, so the first thing that we  
16 will do is take a roll call to determine who's present.  
17 And as you can see, there's a court reporter here  
18 creating a record of today's proceedings, so when I call  
19 your name, please both raise your hand to identify  
20 yourself and also give a verbal response like "here" or  
21 "present."

22 The first is Docket TV-170168, Tiraogo  
23 Simpore, d/b/a TS Moving Services.

24 MR. SIMPORE: Present.

25 JUDGE PEARSON: Did I pronounce your name

1 correctly?

2 MR. SIMPORE: That's correct.

3 JUDGE PEARSON: Okay. Second is Docket  
4 TV-170169, Eduardo Ponce, d/b/a America's Moving  
5 Machine.

6 Okay. Hearing nothing, next is Docket  
7 TV-170170, Eustacio Galeana, d/b/a White Mountain  
8 Moving.

9 MR. GALEANA: Here.

10 JUDGE PEARSON: Okay. Thank you. Did I  
11 pronounce your name correctly?

12 MR. GALEANA: Yes, ma'am.

13 JUDGE PEARSON: Okay. And Docket TV-170197,  
14 Joseph Schott, d/b/a Pain Management Moving.

15 Okay. Hearing nothing, Docket TV-170206,  
16 Jacob Raich, d/b/a Super Friends Moving, LLC.

17 MR. RAICH: Present.

18 JUDGE PEARSON: Okay. And how do I  
19 pronounce your last name?

20 MR. RAICH: It's Raich.

21 JUDGE PEARSON: Raich?

22 MR. RAICH: Yeah.

23 JUDGE PEARSON: Okay. Thank you.

24 So there are two companies who've not  
25 entered an appearance today. Those companies are

1 subject to being held in default and having an order  
2 entered against them without having a chance to address  
3 the Commission, and I will take those cases up later  
4 this morning.

5 So each of you are here because the  
6 Commission filed a complaint alleging that your company  
7 is performing or advertising to perform work as a  
8 household goods carrier without the required permit  
9 that's issued by the Commission.

10 So the purpose of today's proceeding is to  
11 formally explain what your choices are and then hear  
12 from each of you regarding which option you want to  
13 pursue.

14 You can choose one of two options on behalf  
15 of your company, either cease and desist providing,  
16 offering, and advertising unpermitted household goods  
17 services. So if you choose that option, you will need  
18 to demonstrate what you've done to shut down your  
19 business either completely or partially such as taking  
20 down your website or changing your online  
21 advertisements.

22 The second choice is to ask for a formal  
23 classification hearing, and if you choose that option,  
24 you're contesting the allegations in the complaint and  
25 claim not to be conducting household goods moving

1 services. And if you choose that option, we will  
2 schedule a formal hearing for a date in the near future  
3 with a deadline two to three weeks from now for both  
4 your company and the Commission to declare witnesses and  
5 file all exhibits.

6 So each of you has a right to be heard by  
7 the Commission. I will call each of you up to do that  
8 individually. Ms. Rachel Jones, who is seated over here  
9 to my right, will be representing the Commission, and if  
10 you've not already met her or spoke to her on the phone,  
11 she is a Commission compliance investigator.

12 And now that we've gone over the options  
13 that you have today, I will explain the rest of today's  
14 procedures. So I will call you each up here in a few  
15 minutes so you can make your choice on how to proceed,  
16 and at that time, I will swear you in so that anything  
17 that you say will be considered sworn testimony.

18 Once you're sworn in, I will ask if you  
19 understand your options for today's hearing and then ask  
20 you to state your choice. And if there's anything else  
21 that you want to explain to me, you can do so at that  
22 time.

23 In each of the complaints, Commission Staff  
24 has alleged that you're providing household goods moving  
25 services without a permit and is also seeking to have a

1 penalty imposed. The law sets the maximum penalty for  
2 each violation at \$5,000 per violation, and Staff will  
3 be making a penalty recommendation as part of any agreed  
4 order. Ms. Jones will be explaining that  
5 recommendation, but the Commission will make the final  
6 decision about the amount of penalty to be imposed.

7 So I see someone else has just joined us in  
8 the room. What's your name, sir?

9 MR. PONCE: Ed Ponce.

10 JUDGE PEARSON: Okay.

11 MR. PONCE: Eduardo Ponce.

12 JUDGE PEARSON: Okay. So that is Docket  
13 TV-170169 America's Moving Machine?

14 MR. PONCE: Correct.

15 JUDGE PEARSON: Okay. Thank you.

16 Okay. So Ms. Jones will be explaining and  
17 presenting any penalty recommendation, but the  
18 Commission will make the final decision about the  
19 appropriate penalty to be imposed.

20 So if you choose to testify about how you  
21 are getting out of the household goods business, I will  
22 allow you to make a statement explaining how you plan to  
23 do that. And depending on what proof you can provide,  
24 you should be able to reach an agreed order resolving  
25 this matter with Commission Staff, and you can speak to



1 Ms. Jones about that during the recess.

2 And if you choose to contest the allegations  
3 in the complaint, like I said, we will schedule another  
4 hearing, so if that's the choice that you're going to  
5 make, it would be helpful to know your availability for  
6 the next month or so when you come up here.

7 After I hear from each of you, we'll take a  
8 break to give Staff time to meet with each of you and  
9 prepare a final disposition for your cases.

10 And, Ms. Jones, I'll go ahead and swear you  
11 in at this point. If you could please stand and raise  
12 your right hand.

13 (Rachel Jones sworn.)

14 JUDGE PEARSON: Okay. Thank you.

15 So I'll begin with the companies who have  
16 made an appearance today, and then after hearing from  
17 each of those companies, I will address the companies  
18 who have not appeared today, which I believe is just one  
19 at this point.

20 And, Ms. Jones, when I call those  
21 nonappearance cases, you can make a brief summary of the  
22 status of each case and can set your motion for default.

23 Okay. So first was Docket TV-170168,  
24 Tiraogo Simpure, d/b/a TS Moving Services. If you could  
25 come forward. Oh, to the table, I'm sorry. And if you

1 just press the button. Pull that microphone towards  
2 you, press the button, and when the red lights comes on,  
3 it should indicate that it's on. If you want to test  
4 it, you can go ahead.

5 MR. SIMPORE: It's not on yet.

6 JUDGE PEARSON: Just press it quickly.

7 MR. SIMPORE: Okay. It's on now.

8 JUDGE PEARSON: Okay. Perfect.

9 So can you please state your first and last  
10 name for the record and spell your last name?

11 MR. SIMPORE: Tiraogo Simpure. My last name  
12 is S-i-m-p-o-r-e.

13 JUDGE PEARSON: Okay. And what's your  
14 position with the company?

15 MR. SIMPORE: Owner.

16 JUDGE PEARSON: Okay. And if you could  
17 please stand and raise your right hand, I'll swear you  
18 in.

19 (Tiraogo Simpure sworn.)

20 JUDGE PEARSON: Okay. If you could please  
21 be seated.

22 And how do you want to proceed this morning?

23 MR. SIMPORE: My plan is to proceed to  
24 continue to getting things straightened out and -- in  
25 the business.

1 JUDGE PEARSON: Okay. Have you submitted an  
2 application for a household goods permit?

3 MR. SIMPORE: I did, and I had a -- yeah, I  
4 did it. Not completely yet, but they send me back with  
5 the -- with a form saying -- document that I have to  
6 submit more.

7 JUDGE PEARSON: Okay.

8 MR. SIMPORE: But, yes, I'm working on that.

9 JUDGE PEARSON: Okay. So you're working on  
10 completing your application?

11 MR. SIMPORE: Yes.

12 JUDGE PEARSON: Okay. Ms. Jones, have you  
13 had a chance to verify that?

14 MS. JONES: Yes, I have.

15 JUDGE PEARSON: Okay. But you do understand  
16 that until you get a permit, you cannot advertise or  
17 operate?

18 MR. SIMPORE: Actually, I did and I -- even  
19 though I'm trying to stop, when I first got the letter,  
20 notice that I, you know, stopped advertisements, some  
21 that I have access to because most of my ads, I don't  
22 have access. So once I had noticed it, I send an email  
23 to -- and I have some of the copies in here, requesting  
24 to remove my ad and they weren't, you know, letting me  
25 remove it because I wasn't -- to whatever agreement and

1 it was back and forth.

2 JUDGE PEARSON: Okay.

3 MR. SIMPORE: But most ads I don't have  
4 control of it so -- yeah.

5 JUDGE PEARSON: Okay. Well, you will have a  
6 chance to show your documents to Ms. Jones during the  
7 break.

8 MR. SIMPORE: Yes, Your Honor. I will.

9 JUDGE PEARSON: Okay. And, Ms. Jones, do  
10 you wish to make a recommendation regarding a cease and  
11 desist order for this company?

12 MS. JONES: Just that he cease and desist  
13 until he obtains a permit.

14 JUDGE PEARSON: Okay. So when we take a  
15 recess, like I said, you have the opportunity to speak  
16 with Ms. Jones and show her what you've brought here  
17 today and hopefully you can reach an agreed order. And  
18 once you're satisfied that you understand all the terms  
19 of the order, then you and Ms. Jones will both sign it  
20 and it will most likely include an agreement about the  
21 amount of penalty to be imposed. But if you can't come  
22 to an agreement, you can make your case about why the  
23 penalty should be different than what Staff recommends  
24 when we come back from the break.

25 MR. SIMPORE: Okay.

1 JUDGE PEARSON: Okay. Do you have any  
2 questions?

3 MR. SIMPORE: No, thank you.

4 JUDGE PEARSON: Okay. Thank you.

5 All right. Next is Docket TV-170170,  
6 Eustacio Galeana, d/b/a White Mountain Moving.

7 MR. GALEANA: Same place?

8 JUDGE PEARSON: Yes, please.

9 MR. GALEANA: Okay.

10 JUDGE PEARSON: Good morning.

11 MR. GALEANA: Good mooring.

12 JUDGE PEARSON: If you could state your  
13 first and last name for the record and spell your last  
14 name.

15 MR. GALEANA: Sure. My name is Eustacio,  
16 last name G-a-l-e-a-n-a.

17 JUDGE PEARSON: Okay. And what's your  
18 position with White Mountain Moving?

19 MR. GALEANA: Owner.

20 JUDGE PEARSON: Okay. If you could stand  
21 and raise your right hand, I will swear you in.

22 (Eustacio Galeana sworn.)

23 JUDGE PEARSON: Okay. You may be seated.

24 And how do you want to proceed this morning?

25 MR. GALEANA: Well, I closed the business

1 last year, and for some reason I was receiving calls  
2 that I -- what I telling to them like offering a  
3 service, but I closed everything. I've been closed  
4 since October. I sold my trucks, I close everything.

5 JUDGE PEARSON: Okay.

6 MR. GALEANA: So -- but I don't know how  
7 they got my number because I don't have anything -- any  
8 advertisement or anything so I don't know.

9 JUDGE PEARSON: Okay. Ms. Jones, have you  
10 had a chance to verify?

11 MS. JONES: He still has advertisements and  
12 he has a business website advertisement.

13 JUDGE PEARSON: Okay. So that's something  
14 that you can discuss during the break, maybe a plan to  
15 take that down or something that you and Ms. Jones can  
16 talk about during the break and see if you can come to  
17 an agreement about that.

18 MR. GALEANA: Sure.

19 JUDGE PEARSON: So, again, as I said to  
20 Mr. Simpore, hopefully you can reach an agreed order  
21 with Staff and you can both sign it. That will include  
22 an agreed penalty amount if you're able to come to an  
23 agreement, otherwise we can take that up when we  
24 reconvene.

25 MR. GALEANA: Sure.

1 JUDGE PEARSON: Okay. Do you have any  
2 questions?

3 MR. GALEANA: No, ma'am.

4 JUDGE PEARSON: Okay. You can go ahead and  
5 take a seat.

6 MR. GALEANA: Okay.

7 JUDGE PEARSON: Docket TV-170206, Jacob  
8 Raich, d/b/a Super Friends Moving, LLC.

9 Good morning. If you could please state  
10 your first and last name and spell your last name for  
11 the record.

12 MR. RAICH: First name is Jacob, last name  
13 is Raich, R-a-i-c-h.

14 JUDGE PEARSON: Okay. And how do you spell  
15 your first name?

16 MR. RAICH: J-a-c-o-b.

17 JUDGE PEARSON: Okay. And what's your  
18 position with Super Friends Moving?

19 MR. RAICH: Owner and manager.

20 JUDGE PEARSON: Okay. If you could please  
21 stand and raise your right hand, I'll swear you in.

22 (Jacob Raich sworn.)

23 JUDGE PEARSON: Go ahead and be seated.

24 And, Mr. Raich, I know that Super Friends  
25 Moving has previously been permitted with the

1 Commission, so what's your plan for coming into  
2 compliance this morning?

3 MR. RAICH: I would like to contest because  
4 I've been actively trying to seek reinstatement. We've  
5 run into a bit of a hurdle where our agent has been  
6 reaching out to the carrier to receive the proof of  
7 insurance, and apparently somebody's been on maternity  
8 leave and it's just been a slow process. So ever since  
9 2016 since we lost our permanent status, we've just been  
10 trying to get on with a carrier that -- you know, we  
11 have been on with a few -- few different carriers and I  
12 guess it just -- you know, that's the last piece of the  
13 puzzle. We do have insurance, we just need to get the  
14 proof of insurance in place so...

15 JUDGE PEARSON: Okay. So you're saying that  
16 since you were cancelled for failure to maintain  
17 insurance in December, you have not advertised or  
18 conducted any moves?

19 MR. RAICH: I'm not saying that. I just --  
20 I -- my plan is to, you know, by -- I'm fully aware that  
21 we have conducted moves and we're liable for a penalty.

22 JUDGE PEARSON: But you don't want to  
23 contest the allegations, then, because that's what that  
24 would mean, is coming to a separate hearing where you  
25 would have to prove or contest Staff's allegations that



1 you have been offering and advertising, which you just  
2 admitted to. So I don't think we want to have a  
3 separate hearing.

4 MR. RAICH: Okay. I guess I don't -- I  
5 don't know where we fit in between the two options. I  
6 just know that we -- I would like to stay, you know, or  
7 continue doing business, but I understand that we're at  
8 fault for operating when we weren't supposed to in this  
9 time that we've been trying to get our proof of  
10 insurance in place.

11 JUDGE PEARSON: Okay. So I think it would  
12 be like what Mr. -- what I discussed with Mr. Simpore is  
13 that you would sign an order agreeing to cease and  
14 desist until such time that you got a permit.

15 MR. RAICH: Yes.

16 JUDGE PEARSON: So it's not saying I will  
17 never operate as a mover again, it's saying I understand  
18 when I don't have a permit, I can't advertise or offer,  
19 and I won't do that until I get a permit.

20 MR. RAICH: Yes.

21 JUDGE PEARSON: Okay. That sounds good.

22 So again, you will have an opportunity to  
23 speak with Ms. Jones at the break and hopefully you'll  
24 be able to come to an agreed order and agreed penalty  
25 amount, and then we'll take that up when we come back

1 from recess.

2 MR. RAICH: Okay. Thank you.

3 JUDGE PEARSON: Do you have any other  
4 questions?

5 MR. RAICH: I do not. Thank you.

6 JUDGE PEARSON: Okay. Thank you.

7 And then finally Docket TV-170169, Eduardo  
8 Ponce, d/b/a America's Moving Machine.

9 Good morning.

10 MR. PONCE: Good morning.

11 JUDGE PEARSON: So if you could just state  
12 your full name for the record and spell your last name  
13 for the court reporter.

14 MR. PONCE: Absolutely. My first name is  
15 Eduardo, last name is Ponce. I spell my last name  
16 P-o-n-c-e.

17 JUDGE PEARSON: Okay. Thank you.

18 And what is your position with America's  
19 Moving Machine?

20 MR. PONCE: I was a co-owner, founder,  
21 operator of the company.

22 JUDGE PEARSON: Okay. So if you could stand  
23 and raise your right hand, I will swear you in.

24 (Eduardo Ponce sworn.)

25 JUDGE PEARSON: Okay. Thank you.

1 So how do you want to proceed this morning?

2 MR. PONCE: I think I would like to come out  
3 to dismiss of the company. If I can explain real quick  
4 what's been going on?

5 JUDGE PEARSON: Sure.

6 MR. PONCE: Back in 2012, open a new  
7 business, different industry. I went from moving to  
8 a -- to a wheel and tires business and it was hard, you  
9 know, for two companies. I mean, it's like having two  
10 wives. It's almost impossible especially with employees  
11 and stuff. I tried to keep it going, but I couldn't. I  
12 read the -- my paperwork that came to me to bring to  
13 court today.

14 I'm aware we still have a website. We paid  
15 quite a bit of money for it, but, I mean, I can prove  
16 the record system more than probably three and a half  
17 years that I haven't paid anybody to advertise. In  
18 fact, I wouldn't even call it a company. I got pictures  
19 that -- I still have trucks. Those trucks are mainly  
20 storage for all my tires and wheels.

21 It is hard to operate with, like I said,  
22 without the -- without good guys. So I mean, it takes  
23 an owner to operate a successful business.  
24 Unfortunately I got my hands tied up at the other  
25 business I do have. So at this moment, I would like to

1 try to contest and either dismiss the business  
2 completely because, in fact, I mean, there's no money in  
3 the company. I think the account is even negative.

4           Until I get to the point where I can restart  
5 my moving business again, I would probably apply again  
6 to get my permits and everything, but as of right now, I  
7 mean, I wouldn't even call it a company. I wouldn't  
8 call it -- I mean, it's just -- I mean [inaudible] it  
9 was would work here but -- and have the customers rent  
10 the truck. It's mainly like a -- like an extra job that  
11 I do on the side on Sundays. I mean, I work Monday  
12 through Saturday basically 12 hours at the tire shop  
13 so...

14           JUDGE PEARSON: So you are saying that you  
15 want to agree to cease and desist? You said the word  
16 "contest" but --

17           MR. PONCE: Well, yeah. Well, contest from  
18 my penalties. Like honestly, I mean, that's what I'd  
19 like to contest.

20           JUDGE PEARSON: Okay.

21           MR. PONCE: I'm not in a position to pay all  
22 this because there's no money in the company number one.  
23 I got a big overhead with the other business I do have  
24 paying high rates and tax, and probably at the moment,  
25 until I get my permit completely and I can't have a good

1 structure of a business going on from Moving Machines, I  
2 will start over again. But as is right now, I can't  
3 even -- I can't even operate with this company, and I'm  
4 aware of it, and I just want to come to a -- like  
5 dismiss it if we have to and just start all over again  
6 with a permit.

7 And as I heard before, I know we can't be  
8 operating without a permit and I understand that, so I  
9 want to move forward to do it legit, but I'm not ready  
10 for it.

11 JUDGE PEARSON: Okay. So you'll have an  
12 opportunity to take that up with Ms. Jones at the break  
13 and discuss and negotiate the penalty amount.

14 MR. PONCE: Definitely.

15 JUDGE PEARSON: Okay. So do you have any  
16 questions?

17 MR. PONCE: No.

18 JUDGE PEARSON: Okay. So, Ms. Jones, have  
19 you --

20 You can go back and take a seat.

21 MR. PONCE: Thank you.

22 JUDGE PEARSON: Ms. Jones, have you had  
23 contact with the company who failed to appear today,  
24 Joseph Schott?

25 MS. JONES: I left a voice message on March

1 30th with him.

2 JUDGE PEARSON: Okay. So at this point, we  
3 will take a recess here at approximately 9:20, and as  
4 soon as you have a chance to review the cease and desist  
5 orders and the language with Staff, there will be some  
6 negotiation about the penalty, as I mentioned. It may  
7 be nominal depending on the history of your company or  
8 there may be a reason that Staff asks for a larger  
9 penalty, for example, if you've appeared here before or  
10 previously held a permit with the Commission.

11 Typically a portion of the penalty is  
12 suspended, which means that it would not become due and  
13 payable unless you violated the orders. So that's meant  
14 to deter future illegal operations. So a certain amount  
15 would be held out for a couple of years and provided  
16 that you no longer advertised or operated as a household  
17 goods mover, it would go away after that two-year  
18 period.

19 So when we call each of you back up, I'll  
20 just make sure that you understand the order, and I will  
21 sign it on the record here today and you will leave here  
22 with a copy of it. That's our plan.

23 So, Ms. Jones, is there anything else before  
24 we take a break?

25 MS. JONES: No.

1 JUDGE PEARSON: Okay. Then at about 9:20,  
2 we are at recess. And, Ms. Jones, I will be in my  
3 office, so if you could just send someone to come get me  
4 when I need to come back. Thank you.

5 We will be in recess.

6 (Recess from 9:21 a.m.

7 until 11:29 a.m.)

8 JUDGE PEARSON: Okay. Let's be back on the  
9 record at about 11:30. I understand that the cease and  
10 desist orders have been presented and explained to each  
11 company, Ms. Jones?

12 MS. JONES: Yes, they have.

13 JUDGE PEARSON: Okay. So I will call you  
14 back up one at a time in the order that we went before.

15 First is TV-170168. Mr. Simapore, if you  
16 could step forward.

17 MR. SIMPORE: All right.

18 JUDGE PEARSON: Okay. Did you have a chance  
19 to go over the order and you understand all of its  
20 contents?

21 MR. SIMPORE: Yes.

22 JUDGE PEARSON: Okay. And just for the  
23 record, Ms. Jones, it looks like you have recommended  
24 two violations and suspension of \$4,500 of the \$5,000  
25 penalty?

1 MS. JONES: Yes.

2 JUDGE PEARSON: Okay. And just for the  
3 record, Mr. Simpoire, you're agreeing to shut down your  
4 company until you obtain a permit from the Commission?

5 MR. SIMPOIRE: Yes.

6 JUDGE PEARSON: Okay. And it looks like  
7 you've agreed to pay \$250 on April 28th, which is  
8 Friday, and then the other \$250 no later than May 31st?

9 MR. SIMPOIRE: Yes.

10 JUDGE PEARSON: Okay. And the suspension  
11 period for the \$4,500 is two years from today's date,  
12 which is April 26th, 2019, which means that in the event  
13 that you never obtain a permit or lose your permit at a  
14 later date and you advertise or offer a move during that  
15 time, the \$4,500 penalty would become immediately due  
16 and payable; and you understand that?

17 MR. SIMPOIRE: Yes.

18 JUDGE PEARSON: Okay. And similarly, if you  
19 miss a payment, you could risk imposition of the \$4,500  
20 penalty as well.

21 Okay. And the order to cease and desist is  
22 permanent, so that doesn't expire after the two years.  
23 That goes on forever that you cannot operate without a  
24 permit.

25 Okay. Then I will go ahead and sign this



1 order provided that you don't have any other questions?

2 MR. SIMPORE: No, I can't think of any.

3 JUDGE PEARSON: Okay. Okay. So I will hand  
4 this to you, Ms. Jones.

5 And then they will get you a copy to take  
6 with you before you leave today. And once you get your  
7 copy of the order, you're free to go.

8 MR. SIMPORE: Okay. Sounds good.

9 JUDGE PEARSON: Thank you.

10 All right. So next is Docket TV-170170,  
11 Eustacio Galeana.

12 And just same questions for you, you had a  
13 chance to review the order and you understand its  
14 contents?

15 MR. GALEANA: Yes.

16 JUDGE PEARSON: Okay. And it looks like  
17 just for the record, Ms. Jones, again, two violations  
18 with a \$5,000 penalty, a \$4,000 portion of which will be  
19 suspended; is that correct?

20 MS. JONES: That is correct.

21 JUDGE PEARSON: Okay. And, again, I'm sure  
22 you heard me explain the two-year suspension date and  
23 the cease and desist? And it looks like you made a \$200  
24 payment today?

25 MR. GALEANA: Mm-hmm.

1 JUDGE PEARSON: Okay. And then you will pay  
2 400 on May 26th and 400 on June 26th?

3 MR. GALEANA: Correct.

4 JUDGE PEARSON: All right. Do you have any  
5 other questions?

6 MR. GALEANA: No, ma'am.

7 JUDGE PEARSON: Okay. I will go ahead and  
8 sign this and we will get you a copy.

9 MR. GALEANA: Thank you.

10 JUDGE PEARSON: Thank you.

11 Next is TV-170206, Jacob Raich and Super  
12 Friends Moving.

13 All right. And, Mr. Reich, you  
14 understand --

15 MR. RAICH: Yes.

16 JUDGE PEARSON: -- the order that you've  
17 signed today?

18 And, Ms. Jones, it looks like, again,  
19 there's a finding of two violations and a \$5,000  
20 penalty, \$2,500 of which will be suspended for two  
21 years; is that correct?

22 MS. JONES: That is correct.

23 JUDGE PEARSON: Okay. And let's see, it  
24 looks like you paid the penalty in full so --

25 MR. RAICH: Yes.

1 JUDGE PEARSON: -- we don't need to address  
2 that.

3 So I will sign this and you're good to go.

4 Thank you.

5 MR. RAICH: Thank you.

6 JUDGE PEARSON: And then finally TV-170169,  
7 Eduardo Ponce. If you could come forward.

8 And you had an opportunity to read through  
9 the order and you understand all of its contents?

10 MR. PONCE: Yes, I do.

11 JUDGE PEARSON: Okay. And, Ms. Jones, it  
12 looks again here like there are two violations and a  
13 \$5,000 penalty, \$4,000 of which will be suspended for  
14 two years, correct?

15 MS. JONES: That is correct.

16 JUDGE PEARSON: Okay. And with respect to  
17 the payment plan, it looks like you made a \$100 payment  
18 today?

19 MR. PONCE: Correct.

20 JUDGE PEARSON: And then you will make \$300  
21 payments May 26th, June 26th, and July 26th?

22 MR. PONCE: Correct.

23 JUDGE PEARSON: Okay. And you heard  
24 everything I said about making sure those payments are  
25 made on time and --

1 MR. PONCE: I did.

2 JUDGE PEARSON: Okay. All right. Then I  
3 have signed this and once you get your copy, you'll be  
4 free to go.

5 MR. PONCE: Thank you.

6 JUDGE PEARSON: Thank you.

7 So that concludes the list of the companies  
8 that were present in the hearing room today. There's no  
9 one else in the hearing room who hasn't appeared, so we  
10 can proceed with the motion for default for TV-170197,  
11 Joseph Schott, d/b/a Pain Management Moving. I've had a  
12 chance to review that docket, including the evidence  
13 that Staff presented that there was an offer for an  
14 intrastate move in Washington and advertising that meets  
15 the definition under the statute.

16 So what is the Commission's motion at this  
17 point with respect to Joseph Schott, d/b/a Pain  
18 Management Moving?

19 MS. JONES: We would like the company to be  
20 classified as a household goods carrier and we would  
21 like for them to cease and desist.

22 JUDGE PEARSON: Okay. And the penalty would  
23 be the full?

24 MS. JONES: And we are seeking the full  
25 5,000.

1 JUDGE PEARSON: Okay. So nothing would be  
2 suspended, correct?

3 MS. JONES: Correct.

4 JUDGE PEARSON: Okay. So let's go ahead and  
5 walk through the evidence you have for this company with  
6 respect to the violations, and then if you could also  
7 address when and how service was accomplished.

8 MS. JONES: Okay. So a moving offer was  
9 obtained by text on March 24th, 2017. Commission record  
10 showed that they have never applied for a permit. They  
11 were sent a compliance letter February 3rd, 2017. They  
12 were served to be here on March 30th, 2017. I reached  
13 out to them on March to see if they were going to be  
14 attending. I left a voice message. I did not get a  
15 call back.

16 JUDGE PEARSON: Okay. Was it Mr. Schott who  
17 was personally served?

18 MS. JONES: His father.

19 JUDGE PEARSON: His father, okay.

20 But it was at his last known residence?

21 MS. JONES: Yes.

22 JUDGE PEARSON: Okay.

23 MS. JONES: And currently I found them still  
24 advertising on Craigslist. I'm kind of concerned  
25 because they have now changed their name, same number,

1 same name, but they're going under Northwest Strong  
2 Moves -- Movers.

3 JUDGE PEARSON: Okay.

4 MS. JONES: And they currently have an  
5 advertisement on Facebook.

6 JUDGE PEARSON: Okay. So I will grant a  
7 motion for default for Joseph Schott, d/b/a Pain  
8 Management Moving, and I will also sign the order  
9 imposing the penalties and finding the company in  
10 default.

11 MS. JONES: All right. Thank you.

12 JUDGE PEARSON: Anything else?

13 MS. JONES: No.

14 JUDGE PEARSON: Okay. Then we are  
15 adjourned. Thank you very much.

16 (Adjourned at 11:38 a.m.)

17

18

19

20

21

22

23

24

25

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

C E R T I F I C A T E

STATE OF WASHINGTON

COUNTY OF THURSTON

I, Tayler Russell, a Certified Shorthand Reporter  
in and for the State of Washington, do hereby certify  
that the foregoing transcript is true and accurate to  
the best of my knowledge, skill and ability.

\_\_\_\_\_  
Tayler Russell, CCR 3358