

Docket No. TV-200473 - Vol. I

**In the Matter of: Roberto Yam Ywamoto d/b/a Real Pro
Moving**

February 19, 2021



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BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of Determining) DOCKET TV-200473 the Proper Carrier Classification) of, and Complaint for Penalties) against:)

ROBERTO YAM YWAMOTO d/b/a REAL) PRO MOVING)

VIRTUAL MOVERS COURT HEARING, VOLUME I Pages 1-20 ADMINISTRATIVE LAW JUDGE SAMANTHA DOYLE

February 19, 2021 10:40 a.m. Washington Utilities and Transportation Commission 621 Woodland Square Loop Southeast Lacey, Washington 98503

REPORTED BY: TAYLER GARLINGHOUSE, CCR 3358

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LACEY, WASHINGTON; FEBRUARY 19, 2021 10:40 A.M.

--o0o-- PROCEEDINGS

JUDGE DOYLE: Let's be on the record. Good morning. Today is Friday, February 19th, 2021, and the time is approximately 10:40.

My name is Samantha Doyle. I'm an administrative law judge with the Washington Utilities and Transportation Commission.

This is Docket TV-200473, which is a special proceeding to determine whether Roberto Ywamoto, doing business as Real Pro Moving, is operating as a household goods company without the required permit from the Commission.

We're going to begin by taking appearances starting with Commission Staff.

MR. HARTFORD: Good morning, Your Honor. Robert Hartford appearing on behalf of the Commission.

JUDGE DOYLE: Okay. Thank you.

And the representative for the company, please state your name, spelling your last name for the court reporter, and state your address, phone number, and email address.

APPEARANCES ADMINISTRATIVE LAW JUDGE: SAMANTHA DOYLE

FOR COMMISSION STAFF:

ROBERT HARTFORD Compliance Investigator PO Box 47250 Lacey, Washington 98503 (360) 664-1320 robert.hartford@utc.wa.gov

FOR THE CARRIER:

ROBERTO YWAMOTO 6707 - 196th Street Southwest Apartment 405 Lynnwood, Washington 98036

ALSO PRESENT:

WAFRA RAHAL Spanish Interpreter

(All participants appeared via videoconference.)

* * * * *

MR. YWAMOTO: Can -- can I have an interpreter, someone who speaks Spanish?

JUDGE DOYLE: Spanish, okay. Hold on, sir. I need to look into that one moment.

(Pause in the proceedings.) (Interpreter present.)

JUDGE DOYLE: Today is Friday, February 19th, 2021. Time is now approximately 10:45.

My name is Samantha Doyle. I am an administrative law judge with the Washington Utilities and Transportation Commission.

This is Docket TV-200473, which is a special proceeding to determine whether Roberto Ywamoto, doing business as Real Pro Moving, is operating as a household goods company without the required permit from the Commission.

THE INTERPRETER: Should I translate it?

JUDGE DOYLE: We will begin with taking the Commission Staff appearance again.

MR. HARTFORD: Good morning, Your Honor. Robert Hartford appearing on behalf of the Commission.

JUDGE DOYLE: Thank you.

And would the company representative please state your name, spelling the last name for the court reporter, and then your address, phone number, and

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1 email, please?
2 THE INTERPRETER: Do you want him to spell
3 the name of company, right?
4 JUDGE DOYLE: His -- his name, his name and
5 the company's address and phone number and email
6 address.
7 MR. YWAMOTO: (Through interpreter) My name
8 is Roberto, R-o-b-e-r-t-o, and my last name is
9 Y-w-a-m-o-t-o. My company address 6707 - 196th Street
10 Southwest, Apartment 405, Lynnwood, and the ZIP code is
11 98036.
12 JUDGE DOYLE: Thank you. You're here
13 because the Commission has information that your company
14 is or was operating or advertising as a household goods
15 carrier without a permit.
16 THE INTERPRETER: Can you repeat for me?
17 JUDGE DOYLE: Yes. You're here because the
18 Commission has information that your company is or was
19 operating or advertising as a household goods carrier
20 without a permit. Operating as a household goods mover
21 without the required permit is illegal and subject to a
22 penalty of up to \$5,000 per violation. If you are found
23 to have engaged in business as a household goods mover
24 without a permit, the Commission can order you to cease
25 and desist operating and impose a penalty.

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1 The Commission has initiated an enforcement
2 action against you and your business. At this
3 preliminary hearing, I'm going to ask you to choose your
4 proceed -- how to proceed. You have two options.
5 Option A is to agree to cease and desist
6 operating as an unpermitted household goods carrier.
7 THE INTERPRETER: Agree to cease?
8 JUDGE DOYLE: Agree to cease and desist
9 operating as an unpermitted household goods carrier. If
10 you choose this option, you must agree to stop
11 providing, offering, and advertising unpermitted
12 household goods services unless or until you receive a
13 household goods permit from the Commission.
14 You will need to show what you have done to
15 shut down your business either completely or partially.
16 I am going to want to see proof that you are no longer
17 operating or advertising. For example, you will need to
18 prove that you have taken down or changed your website
19 or other online advertisements for your business. If
20 you have obtained or applied for a permit in advance of
21 this hearing, please let me know and -- when I call on
22 you.
23 THE INTERPRETER: What, I'm sorry?
24 JUDGE DOYLE: Saying that if he's obtained
25 or applied for a permit before the hearing for him to

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1 please let me know when I call on him in a little bit.
2 If you have obtained your permit, you can
3 continue to operate your business so long as you are
4 permitted.
5 Second option, option B, is to ask for a
6 classification hearing. You would choose option B if
7 you believe you were operating legally and that your
8 business is not subject to regulations by the
9 Commission. In other words, you are denying that you
10 offer or advertise unpermitted household goods carrier
11 services.
12 If you choose this option, we will schedule
13 a formal evidentiary hearing where you will be required
14 to present proof that your business is not within the
15 regulatory jurisdiction of the Commission. A hearing
16 will be set in the next month or so with a deadline a
17 week before the hearing for both you and Commission
18 Staff to list your witnesses and file exhibits.
19 Robert Hartford will be speaking for
20 Commission Staff this morning. If you have not already
21 met him, Mr. Hartford is on the line and introduced
22 himself. He is a compliance investigator at the
23 Commission.
24 Now that we've gone -- oh, sorry. Pardon
25 me.

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1 THE INTERPRETER: That's okay. Can you
2 repeat it for me, please?
3 JUDGE DOYLE: Yeah. Robert Hartford is
4 speaking for Commission Staff this morning. He is a
5 compliance investigator with the Commission.
6 Now that we've gone over your choices, I
7 will explain what else will happen today. In a few
8 minutes, I will call on you to make your choice. At
9 that time, I will swear you in so that anything you tell
10 me will be considered sworn testimony made under penalty
11 of perjury.
12 THE INTERPRETER: Can you repeat, please?
13 JUDGE DOYLE: No problem.
14 THE INTERPRETER: It's hard to hear.
15 JUDGE DOYLE: No problem. In a few minutes,
16 I will call on you to make your choice. At that time, I
17 will swear you in so anything you tell me will be
18 considered sworn testimony made under penalty of
19 perjury.
20 Once you are sworn in, I will ask you if you
21 understand your choices for today's hearing and then ask
22 you to state your choice. If there is anything else you
23 want to explain to me, you will have the chance to do
24 that then.
25 If you choose option A, you will need to

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1 testify about how you plan to comply with the law either
 2 by becoming a permitted business or shutting down your
 3 unpermitted business. Depending on what proof you can
 4 provide, you may be given an opportunity to meet with
 5 Staff during the break in the hearing -- break in the
 6 hearing to negotiate an order to resolve this matter.
 7 The agreed order will also deal with the penalty.
 8 You were served with a complaint that asked
 9 the Commission to penalize you for engaging in business
 10 as a household goods carrier without a permit. The law
 11 sets the maximum penalty for each violation at \$5,000.
 12 Staff will recommend a penalty and you will have a
 13 chance to reach an agreement with Staff about the
 14 penalty amount.
 15 If you are unable to agree, Staff will
 16 explain its recommendation, but the Commission will make
 17 the final decision about the penalty amount.
 18 If you choose option B -- if you choose
 19 option B, that is you deny you are operating as a
 20 household goods mover, we will schedule another hearing.
 21 In that case, it will help if you know your schedule for
 22 the next month or so so we can set a hearing date.
 23 I will now swear in both Staff and the
 24 company. I will start with Commission Staff.
 25 THE INTERPRETER: Are you going to talk to

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1 both?
 2 JUDGE DOYLE: Yes, I am going to swear in
 3 Staff and then I will give the company an opportunity to
 4 swear in as well.
 5 Mr. Hartford, I will swear you in now.
 6 (Robert Hartford sworn.)
 7 JUDGE DOYLE: Thank you.
 8 And now for the company, Mr. Ywamoto, I will
 9 swear you in as well.
 10 (Roberto Ywamoto sworn.)
 11 JUDGE DOYLE: What is your position with the
 12 company? Sorry, can you repeat your answer?
 13 MR. YWAMOTO: (Through interpreter) I am the
 14 owner.
 15 JUDGE DOYLE: Thank you. And do you
 16 understand your options here today?
 17 MR. YWAMOTO: (Through interpreter) Option
 18 A -- option A meaning that I have to pay a penalty?
 19 JUDGE DOYLE: Option A means that he's
 20 agreed that he operated without a permit and a penalty
 21 would be negotiated. That could include potentially
 22 suspending a portion or a payment plan portion that
 23 would be paid -- that would be negotiated with Staff at
 24 a break.
 25 THE INTERPRETER: Okay he said.

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1 JUDGE DOYLE: Okay. And then option B is
 2 that he's contesting the allegations against him. Is
 3 that clear as well?
 4 MR. YWAMOTO: (Through interpreter) Okay.
 5 JUDGE DOYLE: And then does he know which
 6 option he would like to choose or have any further
 7 questions? Sorry, can you repeat?
 8 MR. YWAMOTO: (Through interpreter) I don't
 9 know what options I will choose.
 10 JUDGE DOYLE: Okay. Option A is admitting
 11 that you are operating as a household goods carrier
 12 without a permit and you can negotiate with Staff.
 13 Option B is that you're contesting the allegations.
 14 Which do you choose today?
 15 And we can take a break and he can talk with
 16 staff if he's unsure. He doesn't have to choose this
 17 moment. So we can take a break right now and Staff can
 18 notify me -- and Staff will notify me when to return.
 19 MR. YWAMOTO: (Through interpreter) Okay.
 20 Well, I don't have any thought because I mean, the
 21 company, it is just me and while I understand the
 22 options, I don't know what -- what to choose because in
 23 option A, I haven't been operating. I was just
 24 operating partially.
 25 JUDGE DOYLE: Okay. Okay. I am going to

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1 pause and allow him to talk to Staff. The court
 2 reporter and I will -- are going to leave. As the
 3 interpreter, will you please stay and help him negotiate
 4 and help with this task? I want him to have the
 5 opportunity to understand his situation before he puts
 6 anything else on the record. And I'm going to be
 7 leaving right now as well as the court reporter. So we
 8 are taking a recess and -- at now 11:14, and we will
 9 return when Staff messages me that you've had an
 10 opportunity to discuss the situation. Thank you.
 11 (A break was taken from
 12 11:14 a.m. to 12:04 p.m.)
 13 JUDGE DOYLE: Let's be back on record. It
 14 is approximately 12:05. And have the parties reached an
 15 agreement that includes the stipulation that the
 16 violations occurred and an agreed penalty amount as
 17 well?
 18 MR. HARTFORD: Yes, Your Honor, we have.
 19 JUDGE DOYLE: And did you want to interpret
 20 that for him?
 21 MR. YWAMOTO: (Through interpreter) Yes, I
 22 think so.
 23 JUDGE DOYLE: Great. Thank you.
 24 Mr. Hartford, will you please summarize the
 25 agreed penalty amount or plan?

1 MR. HARTFORD: Yes, Your Honor. The agreed
2 penalty amount and plan was a \$5,000 penalty with \$4500
3 suspended and \$500 payment to be made over seven
4 installments at \$75 a month monthly starting March 19th
5 through -- and then every month after that through
6 August 19th, and then one single \$50 payment on
7 September 20th for a total of \$500.

8 JUDGE DOYLE: Thank you. And --
9 THE INTERPRETER: I'm sorry. Want me to
10 translate it?

11 JUDGE DOYLE: Yes, please. Go right ahead.

12 MR. YWAMOTO: (Through interpreter) Okay.

13 JUDGE DOYLE: Okay. Great.

14 So, Mr. Ywamoto, do you understand the
15 agreement?

16 MR. YWAMOTO: (Through interpreter) Yes.

17 JUDGE DOYLE: And it looks like there are
18 two violations in this case; one for offering a move and
19 the other for advertising.

20 MR. YWAMOTO: (Through interpreter) Yes, I
21 guess so.

22 JUDGE DOYLE: Okay. The 5,000 penalty will
23 be imposed with a \$4,500 portion of that being
24 suspended. And the company will pay over seven
25 installments the \$500 penalty; that sounds correct?

1 JUDGE DOYLE: Okay. And also the order to
2 cease and desist is permanent, it never expires. So if
3 Staff discovers you're still operating even after two
4 years, Staff can then --

5 MR. YWAMOTO: (Through interpreter) Okay.
6 We've agreed that I will still do my labor -- my
7 services as labor, not as moving, but I will just have
8 to change my advertising. That's what we have agreed.

9 JUDGE DOYLE: Okay.

10 MR. YWAMOTO: (Through interpreter) Okay. I
11 want to be sure about that so I don't want to have any
12 problems later, further problems.

13 JUDGE DOYLE: Okay. And if he is ever
14 unsure about whether his operations are within the law
15 or need a permit, he can always reach out to Staff to
16 clarify.

17 MR. YWAMOTO: (Through interpreter) Okay.

18 One thing that I want to clarify is I see a lot of calls
19 of other moving companies that they make calls just to
20 check how much I am charging, if I have truck, if I
21 don't have. And then most of the time, I give out
22 information, same information, and I can say that I have
23 a truck or I don't have. Is that like violating the law
24 by saying to those people that call me just to check on
25 my service just they're like -- they are like my

1 MR. YWAMOTO: (Through interpreter) Yes.

2 JUDGE DOYLE: And for the record, you're
3 agreeing to shut down your company unless you get a
4 permit?

5 MR. YWAMOTO: (Through interpreter) I will
6 stay -- I will still be working, but just doing the
7 service of labor.

8 JUDGE DOYLE: Sorry, just doing the service
9 of what?

10 THE INTERPRETER: Labor, I think.

11 JUDGE DOYLE: Thank you.

12 MR. YWAMOTO: (Through interpreter) That's
13 what we have agreed.

14 JUDGE DOYLE: Okay. So the \$4,500 suspended
15 penalty starts two years from this date, which is
16 February 19th, 2021. That means if Staff finds an
17 advertisement or you offer a move during that time, you
18 will have to pay the \$4,500 penalty; do you understand
19 that?

20 MR. YWAMOTO: (Through interpreter) Yes, I
21 understand. And I cannot do a move, but I can -- I can
22 do service of labor of moving.

23 THE INTERPRETER: He understand that I
24 cannot do the job to make move, but he can do service of
25 labor of moving. Okay.

1 competence...

2 JUDGE DOYLE: Competitors? He shouldn't be
3 giving other movers quotes because he's not doing those
4 services; does that make sense? Because he's only
5 providing labor, he wouldn't be competing with other
6 moving companies.

7 MR. YWAMOTO: (Through interpreter) Okay. I
8 think that I answered a lot of calls of other companies
9 because I am a top on my -- my job. And I wanted to
10 know if I give them fake information, false information,
11 would I have any problems?

12 JUDGE DOYLE: He -- he should not be giving
13 out any form of quoting, fake or real, because then he
14 would be interpreted as him holding himself out as a
15 moving company; does that make sense? Or is that clear,
16 more clear?

17 MR. YWAMOTO: (Through interpreter) Okay.
18 Well, the thing is that I am -- I'm considered as a
19 moving company although I drive a truck and I still have
20 owned a moving.

21 JUDGE DOYLE: Okay. So to clarify, he
22 cannot use a truck or say he has a truck to use unless
23 he has the permit. And he can stay on the line with
24 Staff if they're available when we're done with this
25 proceeding to talk more about what his labor can entail.

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1 Would that work for him?
 2 MR. YWAMOTO: (Through interpreter) Okay.
 3 JUDGE DOYLE: Mr. Hartford, are you
 4 available to stay on the line after this to talk in more
 5 detail?
 6 MR. HARTFORD: I am, your Honor.
 7 JUDGE DOYLE: Okay. Great. Thank you.
 8 So moving forward to clarify, if you are
 9 found to be operating as a mover, again, even after the
 10 two years, Staff could go straight to superior court and
 11 ask for much higher penalties, so it is important that
 12 you follow the law.
 13 MR. YWAMOTO: (Through interpreter) Okay.
 14 JUDGE DOYLE: And you understand that if you
 15 miss a payment, you will have the entire amount
 16 including the \$4,500 suspended penalty due? So it's
 17 important if you're going to have a late payment, that
 18 you contact Staff and make arrangements so you don't end
 19 up having to pay the whole penalty.
 20 MR. YWAMOTO: (Through interpreter) Now I
 21 am -- I'm not able to pay now because I have the problem
 22 I told you. And now I don't have much work and I have a
 23 big family and all that stuff. But I would like to ask
 24 Staff if he could reduce me a little more the penalty if
 25 it's possible.

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1 JUDGE DOYLE: Thank you for waiting. Given
 2 the current economic situation and the situation of the
 3 company, I'm willing to suspend the remaining \$500 with
 4 the understanding that it will all become due if he was
 5 to find that he was operating again without a permit.
 6 MR. YWAMOTO: (Through interpreter) Okay.
 7 Thank you very much. Now I have money to buy a truck
 8 and to make my papers. Thank you very much.
 9 JUDGE DOYLE: Thank you. And to clarify,
 10 the entire 5,000 penalty will be suspended two years and
 11 no money is due now unless he breaks the law again. I
 12 will issue an order reflecting that -- that change and
 13 Staff will stay on the line to discuss and clarify what
 14 he can do after this call is ended.
 15 MR. YWAMOTO: (Through interpreter) Okay.
 16 Yes, I would like to talk to Staff after the call
 17 because -- to see how I can move on with my work.
 18 JUDGE DOYLE: And if you ever have any
 19 questions in the future, call Staff as well.
 20 MR. YWAMOTO: (Through interpreter) Okay.
 21 JUDGE DOYLE: Okay. So with that, we will
 22 adjourn this hearing. Thank you everyone for coming.
 23 Everyone but Staff and the interpreter is going to hang
 24 up and you can discuss your obligations going forward.
 25 Thank you again.

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1 (Adjourned at 12:26 p.m.)
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1 CERTIFICATE
 2
 3 STATE OF WASHINGTON
 4 COUNTY OF THURSTON
 5
 6 I, Tayler Garlinghouse, a Certified Shorthand
 7 Reporter in and for the State of Washington, do hereby
 8 certify that the foregoing transcript is true and
 9 accurate to the best of my knowledge, skill and ability.
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Taylor Garlinghouse
 Taylor Garlinghouse, CCR 3358



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