

Docket No. TV-170169 - Vol. I

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

April 26, 2017



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Page 1

1 BEFORE THE WASHINGTON
 2 UTILITIES AND TRANSPORTATION COMMISSION
 3 _____
 4 In the Matter of Determining) DOCKET NO. TV-170169
 5 the Proper Carrier) Volume I
 6 Classification of, and)
 7 Complaint for Penalties)
 8 Against)
 9)
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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

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Page 2

1 APPEARANCES
 2 ADMINISTRATIVE LAW JUDGE:
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 5 Transportation Commission
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20 * * * * *

Page 3

1 OLYMPIA, WASHINGTON; APRIL 26, 2017
 2 9:00 A.M.
 3 --000--
 4
 5 PROCEEDINGS
 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 Simpure, d/b/a TS Moving Services.
 24 MR. SIMPORE: Present.
 25 JUDGE PEARSON: Did I pronounce your name

Page 4

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

Page 5

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

Page 6

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

Page 7

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

Page 8

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

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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 Simapore. 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 Simapore 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.

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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

Page 11

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.

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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 morning.
 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

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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.

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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

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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

Page 16

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

Page 17

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.

Page 18

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

Page 19

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

Page 20

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

Page 21

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.

Page 22

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?

Page 23

1 MS. JONES: Yes.

2 JUDGE PEARSON: Okay. And just for the

3 record, Mr. Simapore, you're agreeing to shut down your

4 company until you obtain a permit from the Commission?

5 MR. SIMPORE: 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. SIMPORE: 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. SIMPORE: 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

Page 24

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.

Page 25

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.

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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 --

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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.

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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.)
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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 3358
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