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 1 BEFORE THE WASHINGTON

 2 UTILITIES AND TRANSPORTATION COMMISSION

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 4 In Re: Application of: )

 5 )

 6 BELL'S RELIABLE MOVING. ) No. TV-160264

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 9 Brief Adjudicative Proceeding Held Before

10 RAYNE PEARSON

11 Administrative Law Judge

12 Volume I

13 Pages 1 - 35

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15 9:30 a.m. - 10:15 a.m.

16 June 2, 2016

17 1300 South Evergreen Park Drive S.W., Room 206

18 Olympia, Washington

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25 Mary M. Paradise, CSR 2469

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 1 A P P E A R A N C E S

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 3 RAYNE PEARSON, Administrative Law Judge

 4

 5 FOR BELL'S RELIABLE MOVING:

 6 RICHARD R. BELL

 7 LAURA BELL

 8 2011 South Pierce

 9 Spokane, Washington 99206

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11 FOR WASHINGTON UTILITIES AND TRANSPORTATION

12 COMMISSION:

13 BRETT P. SHEARER

14 Assistant Attorney General, UTC Division

15 PO Box 40128

16 Olympia, Washington 98504-0128

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 3 WITNESS DIRECT CROSS REDIRECT

 4 Richard Bell 8 9, 18

 5 Suzanne Stillwell 20 29

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 8 E X H I B I T I N D E X

 9 NUMBER: PAGE

10 RB-1 Admitted into Evidence 19

11 SS-1 Admitted into Evidence 23

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 1 OLYMPIA, WASHINGTON; JUNE 2, 2016

 2 9:30 a.m.

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 6 JUDGE PEARSON: Let's go ahead and be on

 7 the record. Good morning. Today is Thursday, June

 8 2nd, 2016. The time is just a little before 9:30

 9 AM. This is docket TV-160264, which is an

10 application for a household goods permit filed by

11 Richard and Laura Bell, doing business as Bell's

12 Reliable Moving.

13 My name is Rayne Pearson. I'm the

14 administrative law judge presiding over today's

15 brief adjudicative proceeding. So before we get

16 started, I will just note on the record that the

17 parties agree to waive the requirement that the

18 commissioner issue an order within 10 days of

19 today's proceeding, and I will instead issue an

20 order shortly after I receive the transcript.

21 So let's take appearances from both

22 parties, and then we'll talk about how we're going

23 to proceed this morning. So we'll start with the

24 commission staff.

25 MR. SHEARER: Good morning, your Honor.

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 1 My name is Brett Shearer, and I'm an assistant

 2 attorney general representing Commission staff

 3 today.

 4 JUDGE PEARSON: Thank you. And which one

 5 of you will be acting as the representative for the

 6 company?

 7 RICHARD BELL: I will. Richard Bell.

 8 JUDGE PEARSON: Okay. If you could state

 9 your full name, spell your last name.

10 RICHARD BELL: Richard Robert Bell,

11 B-e-l-l.

12 JUDGE PEARSON: How about an address and a

13 phone number?

14 RICHARD BELL: 1022 South Pierce,

15 509-721-9036.

16 JUDGE PEARSON: Can I get your full

17 address with city and zip code?

18 RICHARD BELL: Oh. 1022 South Pierce,

19 Spokane, Washington, 99206.

20 JUDGE PEARSON: Do you have an e-mail

21 address?

22 RICHARD BELL: Richard Bell 1989 at

23 hotmail dot com.

24 JUDGE PEARSON: Okay. Thank you. So

25 we're here today because the Commission issued a

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 1 notice of intent to deny Bell's Reliable Moving's

 2 application for permanent authority as as household

 3 goods carrier.

 4 So what we will do is, Mr. Bell, you

 5 requested a hearing to have an opportunity to

 6 respond to the allegations that were in that notice

 7 and explain why your application should be

 8 approved. So after Mr. Shearer gives a brief

 9 overview of staff's case, I will swear you in,

10 Mr. Bell, and you can present your case, and then

11 you can provide testimony and call witnesses.

12 Do you intend to call --

13 RICHARD BELL: No.

14 JUDGE PEARSON: -- any witnesses? Okay.

15 So it will just be you. And if you have any

16 exhibits, we can take those up at that time as

17 well.

18 RICHARD BELL: Okay.

19 JUDGE PEARSON: And once you've presented

20 your testimony, then Mr. Shearer will have the

21 opportunity to cross-examine you. And after that,

22 staff will present its case, and you can also

23 cross-examine staff's witness, Suzanne Stillwell,

24 who is seated over here to my right. And once all

25 the witnesses have testified, both parties will

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 1 have the opportunity to make a closing statement,

 2 if they like. Do you have any questions before we

 3 get started?

 4 RICHARD BELL: No.

 5 JUDGE PEARSON: Okay. So Mr. Shearer, you

 6 can go ahead and proceed with an opening statement.

 7 MR. SHEARER: Thank you, your Honor. This

 8 case is fairly straightforward from staff's

 9 perspective. Under the Washington Administrative

10 Code, there are a series of convictions that are

11 listed as serious crimes, and Commission staff --

12 Commission staff determined, in this case, that

13 Mr. Bell had committed several -- have been

14 convicted of several of those crimes in 2009, or

15 slightly before that.

16 Based on that information, staff

17 recommended the Commission decline Mr. Bell's

18 application. That's -- that's the extent of the

19 case.

20 JUDGE PEARSON: Okay. Thank you. So

21 Mr. Bell, I'll go ahead and swear you in at this

22 point, and then you can present your testimony. So

23 if you would please stand and raise your right

24 hand.

25 Whereupon,

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 1 RICHARD R. BELL,

 2 was duly sworn and testified as follows:

 3 JUDGE PEARSON: Okay. You can be seated.

 4 And you can go ahead when you're ready.

 5 RICHARD BELL: Okay. On the denial that I

 6 got, it says, Mr. Bell has a criminal history,

 7 including 2009 convictions for second degree

 8 assault with a deadly weapon; assault 3, bodily

 9 harm; assault 2, strangulation and harrassment, a

10 previous conviction or a death threat.

11 And I'm convicted of assault 3, bodily

12 harm and harrassment. And then it also says that

13 on my juvenile record in 2007, I was convicted of

14 burglary, second degree, criminal trespassing,

15 first degree, and assault in third degree. And I

16 was not convicted of any of those charges either.

17 And then as --

18 JUDGE PEARSON: So what are you saying,

19 that all of those are incorrect?

20 RICHARD BELL: All of those are incorrect.

21 JUDGE PEARSON: For the 2007, or the 2009

22 as well?

23 RICHARD BELL: Both. All of the 2007 are

24 incorrect. 2009, the only conviction was assault

25 three, bodily harm and the harrassment.

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 1 And when I originally applied for the

 2 application, I had read on the Utilities &

 3 Transport Commission's web site that I cannot have

 4 certain felony crimes in the past five years, and I

 5 thought I was clear and good to go on this stuff.

 6 And I was 19 when I received all my

 7 charges, and I'm not the same person that I was.

 8 So I would just like that to be taken into

 9 consideration. I'm married with three kids now,

10 and I do everything by the books, and I followed

11 all the rules up until this point, and I would

12 continue to follow the rules and do whatever I have

13 to do to keep my company going and growing.

14 JUDGE PEARSON: Okay. Mr. Shearer, I'd

15 like to ask you if you have a copy of the notice of

16 intent to deny with you? Because I didn't bring

17 one.

18 MR. SHEARER: I probably do, your Honor.

19 Yes, I do have a copy of it, your Honor.

20 EXAMINATION

21 BY JUDGE PEARSON:

22 Q. Okay. Excuse me. So I just want to back

23 up a little bit and go through this in more detail.

24 So according to the notice, it says there

25 was an assault 2, deadly weapon, which you're

0010

 1 saying you were not convicted of?

 2 A. No, I was not.

 3 Q. Assault 3, bodily harm, which you admit

 4 to?

 5 A. Yes.

 6 Q. Assault 2, strangulation, which you're

 7 denying?

 8 A. Yes.

 9 Q. Harassment, previous conviction or death

10 threat, are you admitting to that?

11 A. Yes.

12 Q. And then it says, harrassment previous

13 conviction, slash, death threat penalty. I'm not

14 clear what the distinction is.

15 A. I'm not sure why exactly it's listed like

16 that, but I only have one conviction of that, and

17 they have it listed twice on the --

18 Q. And then obstructing a law enforcement

19 officer, so you're denying that?

20 A. I was guilty of that.

21 Q. So the only one you're denying is the --

22 you're denying two. Assault 2, deadly weapon, and

23 assault 2, strangulation, is that right?

24 A. I'm denying the assault 2, deadly weapon,

25 assault 2, strangulation. One of the harrassment,

0011

 1 that's a duplicate on here. And then it also said

 2 I was convicted in 2007 for burglary in the second

 3 degree. I was not; criminal trespassing in the

 4 first degree, which I was not, and assault in the

 5 third degree, which I was not.

 6 Q. So all the 2007 charges, you're denying?

 7 A. I was not convicted of, no.

 8 Q. Were you charged with those crimes, but

 9 just not convicted?

10 A. Yes, I was charged with those crimes, just

11 not convicted.

12 Q. Okay. And how about the assault 2, deadly

13 weapon and the assault 2, strangulation? Were you

14 charged with those, but not convicted of those?

15 A. Yes, I was charged with those, but not

16 convicted of those.

17 Q. I'm just trying to sort this out so I make

18 sure I have -- okay. So you were convicted of

19 assault 3, bodily harm, harrassment and

20 obstruction?

21 A. Yes.

22 Q. And those were in 2009?

23 A. And they were domestic violence.

24 Q. They were all DV?

25 A. Yes.

0012

 1 Q. So it would be helpful if you gave me some

 2 detail about the convictions and the steps you have

 3 taken since then, any kind of treatment or

 4 rehabilitation that you've had. But I need as much

 5 detail as possible.

 6 A. Okay. Well, in 2009, I was drinking

 7 pretty heavily, and I was actually with my

 8 biological mom at the time, and we got into it, and

 9 it kind of got blown out of proportion, and I ended

10 up going to jail for that.

11 And then I went through a rehabilitation

12 program, anger management and --

13 LAURA BELL: It was DOC.

14 A. Two years of probation, which I completed

15 successfully early. And I have quit drinking since

16 then and have just completely straightened out my

17 life. I got my driver's license, and I haven't had

18 any tickets or fines or anything, and I haven't

19 been in trouble for seven years now.

20 BY JUDGE PEARSON:

21 Q. Okay. So --

22 A. And all my -- all my charges have been --

23 between 15 and 19, and it was just a bad time for

24 me, and I was -- I was not doing the right thing.

25 I was not an adult yet. I was still a child.

0013

 1 Q. Okay. So did the 2007 incidents also

 2 involve your mom?

 3 A. No.

 4 Q. Okay. Were those DV?

 5 A. No.

 6 Q. They were burglary and criminal trespass?

 7 There wasn't an assault on there.

 8 A. Yes, there wasn't an assault. There --

 9 there was an assault listed, but I got all the

10 charges dismissed.

11 Q. Okay. Okay. So you said that --

12 A. And I was -- on that one, the burglary got

13 amended to a trespassing before it got dismissed,

14 because there was no burglary committed.

15 Q. Because what? I'm sorry.

16 A. There was no burglary committed.

17 Q. So with respect to the 2009 conviction,

18 you were incarcerated for those?

19 A. Yes. I was incarcerated.

20 Q. For how long?

21 A. 90 days.

22 Q. Okay. And then you had two years of DOC?

23 A. Two years probation, and I went through --

24 I went through outpatient and inpatient

25 rehabilitation.

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 1 Q. For substance abuse?

 2 A. Yes.

 3 Q. Okay.

 4 A. Or for alcohol abuse. That's been my only

 5 problem.

 6 Q. And you're saying that you are completely

 7 clean and sober now?

 8 A. Yes.

 9 Q. No drugs and no alcohol?

10 A. No.

11 Q. For how long?

12 A. For probably five or six years now.

13 Q. You don't know the exact sobriety date?

14 A. No. I haven't -- I used to get my coins

15 and stuff, but I -- I'm too busy at home with

16 family and stuff, so I haven't --

17 Q. So you're not in any sort of recovery

18 program at this time?

19 A. No, no programs right now.

20 Q. Okay. And then you also went through

21 anger management?

22 A. Yes.

23 Q. And what was -- what did the structure of

24 that program look like?

25 A. Oh, basically, we went in, and there was a

0015

 1 group, and we sat in a circle and they discussed

 2 ways to deal with our anger better and --

 3 Q. How long was that program?

 4 LAURA BELL: It was nine months.

 5 A. I think it was about nine months.

 6 BY JUDGE PEARSON:

 7 Q. Okay. And did you do any domestic

 8 violence rehabilitation?

 9 A. Yes, I did domestic violence

10 rehabilitation as well, and stopped. And I was

11 doing that for about six months.

12 Q. Okay. Do you have anything else that you

13 want to add? Those are all my questions for now.

14 A. I think that's about it.

15 JUDGE PEARSON: Okay. Mr. Shearer, do you

16 have any questions?

17 MR. SHEARER: I have no questions, your

18 Honor.

19 JUDGE PEARSON: Okay. You have no other

20 witnesses, is that correct? Do you have any

21 documents that you brought with you that you wanted

22 to introduce?

23 RICHARD BELL: Just my criminal history

24 report.

25 LAURA BELL: We don't have any copies of

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 1 it.

 2 JUDGE PEARSON: Is it the same as the one

 3 that staff has listed as an exhibit?

 4 RICHARD BELL: No, it's different. I got

 5 mine straight from the courthouse.

 6 JUDGE PEARSON: Okay. Mr. Shearer, isn't

 7 there one from --

 8 MR. SHEARER: The one that staff went from

 9 is from Accurint. Then there's a second one from

10 the Washington State Patrol database.

11 I will say, for clarification purposes,

12 listening to Mr. Bell there and reviewing the

13 Washington State Patrol one, at least, that his

14 version does match the patrol database report. It

15 does appear to match that.

16 JUDGE PEARSON: It does?

17 MR. SHEARER: Yes.

18 JUDGE PEARSON: So you're saying the

19 notice was incorrect?

20 MR. SHEARER: I'd have to go back and read

21 the notice again, but it does seem to match the WSP

22 one. I haven't gone back through the Accurint one.

23 JUDGE PEARSON: So maybe what we should do

24 is have a copy made of what you brought in so that

25 we can -- I can have that, take a look at it. So

0017

 1 is there someone here who can copy that?

 2 MR. SHEARER: Yes, we can do that. Do you

 3 want to go off the record and take a short recess?

 4 JUDGE PEARSON: Yes, why don't we do that,

 5 so we can get a copy of that.

 6 (A short recess was then taken.)

 7 JUDGE PEARSON: Back on the record.

 8 Mr. Shearer is distributing a copy of Mr. Bell's

 9 exhibit, which is the defendant case history

10 printed directly from the courthouse, is that

11 right?

12 LAURA BELL: Yes.

13 JUDGE PEARSON: In Spokane?

14 LAURA BELL: Yes.

15 JUDGE PEARSON: Okay.

16 LAURA BELL: And the highlighted parts are

17 the parts where he was convicted of.

18 JUDGE PEARSON: Okay. And the highlights

19 didn't show up on the copy.

20 LAURA BELL: It's on the first page.

21 JUDGE PEARSON: Okay.

22 LAURA BELL: It's the fourth one down from

23 the bottom, and then the second one, and the last

24 one at the bottom with the G at the -- towards the

25 end.

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 1 JUDGE PEARSON: Okay.

 2 LAURA BELL: Those ones he was guilty of.

 3 CONTINUING EXAMINATION

 4 BY JUDGE PEARSON:

 5 Q. I do actually have a couple more questions

 6 for you, Mr. Bell.

 7 A. Okay.

 8 Q. So the three charges in 2009 that you

 9 acknowledge the convictions for, assault 3, bodily

10 harm, harrassment and obstruction of a law

11 enforcement officer, did those all arise out of one

12 incident?

13 A. No. The two domestic violence charges

14 were from one incident, and then the obstructing

15 was from a different incident. I was over at a

16 party, and the police officers came by, and I was

17 just kind of out of it, so I wasn't listening to

18 what they were telling me to do. So --

19 Q. You mean intoxicated?

20 A. Yes, intoxicated.

21 Q. Okay.

22 A. And I just wasn't listening to what they

23 were telling me at the time, and -- or I didn't

24 understand it. So part of my drinking.

25 Q. Okay. And so then the other two -- by the

0019

 1 other two, you mean the assault 3 and the

 2 harrassment?

 3 A. Yes.

 4 Q. Can you tell me more about the harrassment

 5 charge, why that was --

 6 A. The harrassment was when we were getting

 7 into it, I spit out, I'm going to kill you, and

 8 that -- I got the charge.

 9 Q. For the death threat?

10 A. For the death threat.

11 Q. As part of the altercation?

12 A. Yes.

13 JUDGE PEARSON: Okay. Okay. Thank you.

14 So if -- does staff have any objection to admitting

15 this into the record?

16 MR. SHEARER: No. The more information,

17 the better.

18 JUDGE PEARSON: Okay. And I agree. So I

19 will admit this exhibit into the record, and mark

20 it RB-1.

21 (Exhibit RB-1 admitted into evidence.)

22 JUDGE PEARSON: And Mr. Shearer, if you're

23 ready to call Ms. Stillwell, we can do that.

24 MR. SHEARER: Where would you like

25 Ms. Stillwell to sit?

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 1 JUDGE PEARSON: She's fine where she is.

 2 Ms. Stillwell, if you you would please stand and

 3 raise your right-hand?

 4 Whereupon,

 5 SUZANNE STILLWELL,

 6 was duly called and sworn and testified as follows:

 7 JUDGE PEARSON: Okay. Please be seated.

 8 And Mr. Shearer, you can proceed whenever you're

 9 ready.

10 DIRECT EXAMINATION

11 BY MR. SHEARER:

12 Q. Thank you, Judge. Ms. Stillwell, can you

13 state your name and spell your last name for the

14 record, please?

15 A. I am Suzanne Stillwell, S-t-i-l-l-w-e-l-l.

16 Q. Thank you. And what is your place of

17 employment, Ms. Stillwell?

18 A. The Washington Utilities & Transportation

19 Commission.

20 Q. Thank you. And what is your role here at

21 the UTC?

22 A. I am the Commission's licensing services

23 manager in the safety and consumer protection

24 division. And my responsibilities, in part,

25 include overseeing staff who process applications

0021

 1 for the transportation industry.

 2 Q. And have you had and do you continue to

 3 have a direct role in this case, docket TV-160264?

 4 A. Yes.

 5 Q. And can you please describe your role in

 6 this specific case?

 7 A. As the licensing services manager, I am

 8 representing Commission staff in this case.

 9 Q. Now, did you review Mr. Bell's household

10 good moving application?

11 A. Yes.

12 Q. And what did you find in the course of

13 your review?

14 A. After reviewing the two background checks,

15 Mr. Bell has a criminal history that includes the

16 felony convictions in 2009 for assault and

17 harrassment, obstructing an officer in 2008, and

18 multiple earlier offenses, which include burglary

19 and criminal trespassing and assault.

20 And while Mr. Bell has had no additional

21 convictions in the last five years, I believe that

22 the nature and extent of his criminal history is

23 troubling in a moving company applicant. Staff

24 believes that Mr. Bell's criminal history could

25 interfere with the proper operation of a household

0022

 1 goods company, and so staff does not believe it to

 2 be in the public interest to entrust Mr. Bell with

 3 these responsibilities.

 4 Q. Thank you. And we've talked a lot today

 5 about background checks. I'm going to hand you the

 6 first -- the first document here. Do you recognize

 7 this document, Ms. Stillwell?

 8 A. Yes.

 9 Q. And what is this document?

10 A. This is the Washington State Patrol's

11 WATCH report, which is a criminal background -- a

12 criminal history report on Mr. Lee -- excuse me,

13 Mr. Bell.

14 Q. And did you rely on this report in the

15 course of your investigation and review?

16 A. Yes, this is -- this is one of the

17 documents that staff and I relied on to make our

18 recommendation.

19 Q. Thank you, Ms. Stillwell.

20 Your Honor, I would like to move to admit

21 this document as Exhibit Number SS-1.

22 JUDGE PEARSON: Okay. And do you have any

23 objection to admitting that WATCH report into the

24 record?

25 RICHARD BELL: I just wanted to clarify

0023

 1 that I was not convicted of the burglary and the

 2 stuff in 2007.

 3 JUDGE PEARSON: Okay. And I think

 4 Mr. Shearer said that that was actually clear from

 5 looking at the WATCH report.

 6 MR. SHEARER: Yes. The summary on page 2

 7 does match with Mr. Bell's version of convictions.

 8 RICHARD BELL: Yes.

 9 JUDGE PEARSON: Okay. So you have no

10 objection, then?

11 RICHARD BELL: No.

12 JUDGE PEARSON: Okay. So I will admit

13 that into the record and mark it as Exhibit SS-1.

14 (Exhibit SS-1 admitted into evidence.)

15 BY MR. SHEARER:

16 Q. Thank you, your Honor. I'm going to hand

17 you another document. Do you recognize this

18 document?

19 A. Yes. This is the LexisNexis Accurint

20 report, which is also a criminal history report on

21 Mr. Bell.

22 Q. Did you rely on this document in the

23 course of yours and staff's review?

24 A. Yes. This is another document that staff

25 and I relied on to make our recommends.

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 1 MR. SHEARER: Your Honor, I'd like to move

 2 to admit this document as Exhibit SS-2.

 3 JUDGE PEARSON: Okay. Do you have any

 4 objection to --

 5 LAURA BELL: Because these ones are the

 6 ones that aren't -- like, he wasn't convicted of

 7 them. I don't see the relevance of it.

 8 JUDGE PEARSON: Mr. Bell, could you repeat

 9 that into the microphone?

10 RICHARD BELL: Yes. The second page, I

11 wasn't -- I wasn't guilty of the convictions.

12 JUDGE PEARSON: So I notice that it only

13 says guilty on the ones that you acknowledge you

14 were guilty for. The other ones don't have a

15 disposition. Or -- yes, they don't show -- they

16 show a disposition date, but they don't say that

17 you were guilty. So I don't think that this is

18 inaccurate --

19 LAURA BELL: Okay.

20 JUDGE PEARSON: -- just because -- so it

21 says that the assault 2, deadly weapon. It does

22 not say guilty. The assault 3, bodily harm, it

23 does, but you acknowledge that. The assault 2,

24 strangulation, it does not say guilty. The

25 harrassment, it does say guilty, which you

0025

 1 acknowledge. It does say that there were two

 2 counts for that, though.

 3 RICHARD BELL: What was --

 4 LAURA BELL: The harrassment.

 5 JUDGE PEARSON: There were two convictions

 6 for harrassment.

 7 RICHARD BELL: That's inaccurate. There

 8 was just one conviction.

 9 JUDGE PEARSON: Yes, that doesn't match

10 with the WATCH report. The WATCH report also says

11 one conviction. So that is incorrect.

12 And then -- let's see. Obstructing

13 officer, it does say guilty. And it says that the

14 criminal trespass, second degree was dismissed, as

15 was the minor intoxicated in public.

16 It also does not say that you were guilty

17 of burglary or criminal trespass or assault, third

18 degree. Those were all dismissed. So this is --

19 this is accurate, except for it double counts the

20 harrassment.

21 RICHARD BELL: Yes.

22 JUDGE PEARSON: And I think that because

23 it contains inaccuracies and because all of this

24 information is captured in the other two exhibits,

25 I don't think it's necessary to admit this into the

0026

 1 record, because it does contain an inaccuracy. So

 2 I am going to not admit that into the record.

 3 Did you have anything --

 4 BY MR. SHEARER:

 5 Q. Yes, I was just getting my paperwork here.

 6 I've got all these stacks now.

 7 Did you review findings in this case that

 8 resulted in a final staff recommendation to the

 9 Commission to deny Mr. Bell's application,

10 Ms. Stillwell?

11 A. Yes. The rules set out the criteria an

12 applicant must meet to receive provisional

13 household goods authority from the Commission. And

14 in part, the criteria says that if a person named

15 in the application has been convicted of any crime

16 involving theft, burglary, assault, among other

17 crimes, more than five years prior to the date of

18 the application, and the Commission determines that

19 the nature and extent of the crimes will likely

20 interfere with the proper operation of a household

21 goods moving company, the Commission will deny

22 operating authority to the applicant.

23 Q. So for the benefit of Judge Pearson and

24 everyone here, can you please summarize succinctly

25 staff's recommendation in this case?

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 1 A. Okay. Staff finds that the nature and

 2 extent of the crimes, the criminal history, could

 3 potentially interfere with the proper operation of

 4 a household goods moving company.

 5 Although -- well, staff does not believe

 6 it is in the public interest to entrust Mr. Bell

 7 with these responsibilities, and recommend that the

 8 application be denied.

 9 Q. And again, for everyone's benefit, can you

10 please summarize the supporting rationale for

11 staff's recommendation?

12 A. Again, it's the nature and extent of

13 Mr. Bell's criminal history that's troubling in a

14 moving company applicant. A moving company takes

15 possession of and transports people's worldly

16 goods.

17 Mr. Bell would be entrusted with entering

18 homes and transporting and caring for others'

19 personal belongings and be accountable for

20 complying with all the laws and the rules governing

21 the household goods industry. The criminal

22 convictions and the offenses that were charged, I

23 believe, support findings that Mr. Bell's criminal

24 history renders him unfit to operate as a household

25 goods carrier and support staff's recommendation

0028

 1 that issuing the permit is not in the public's

 2 interest.

 3 Q. Do you have anything else you would like

 4 to add about staff's case?

 5 JUDGE PEARSON: Oh, you're asking her.

 6 You were looking at me. I have a couple of

 7 questions, but go ahead.

 8 BY MR. SHEARER:

 9 Q. Do you have anything else you would like

10 to add about staff's case?

11 A. Yes. Just -- you had brought up --

12 Mr. Bell had brought up that assault was not on the

13 household goods application, and it is true that we

14 found an error on the application on the

15 Commission's web site.

16 And the applications are located in two

17 areas on the web site. One is under regulated

18 companies and one is under the quick links on the

19 front page. When we revised the application to

20 include assault, as required under the rules, the

21 application on the quick links was missed. And it

22 has been corrected, and regardless of the error in

23 the application, you know, the Washington

24 Administrative Code does include assault.

25 MR. SHEARER: I have no further questions,

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 1 your Honor. Thank you, Ms. Stillwell.

 2 EXAMINATION

 3 BY JUDGE PEARSON:

 4 Q. Okay. Ms. Stillwell, I just have a couple

 5 questions. So I just want to be clear that up

 6 until this morning, when we sorted out which

 7 convictions were actually accurate and which ones

 8 were not, did you come here believing that all of

 9 the crimes that were listed in the notice of intent

10 to deny have resulted in convictions?

11 A. Yes.

12 Q. Okay. So this was news to you this

13 morning --

14 A. Yes.

15 Q. -- that the front page of the WATCH report

16 was correct? I'm just wondering how you reached

17 that conclusion, when the WATCH report doesn't give

18 you that conclusion, nor does the Accurint?

19 A. In reviewing the Accurint report, I see

20 now that it clearly states guilty or does not state

21 anything.

22 Q. Right.

23 A. So when we relied on the Accurint report,

24 the premise was that Mr. Bell was guilty of these

25 crimes, all of the crimes listed.

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 1 Q. Okay. So now that you know that that's

 2 not the case, does that change -- and also knowing

 3 that the WAC doesn't say -- you know, look at

 4 whether the applicant was charged with a crime but

 5 only had convictions, does that change your

 6 recommendation?

 7 A. No. And the reason is because of the

 8 assault charges. Those were convictions.

 9 Q. Okay. The one -- there's one assault

10 conviction, correct?

11 A. Excuse me. Assault and harrassment, yes.

12 JUDGE PEARSON: Okay. Thank you. I have

13 nothing further.

14 MR. SHEARER: Nor do I.

15 JUDGE PEARSON: Did you want to make a

16 closing statement before we conclude this morning?

17 RICHARD BELL: Yes. I just had a copy of

18 the original application and, like, where she said

19 that -- it's page 6, number 8, and it didn't state

20 assault or harrassment on this line.

21 And then it says, has any person named in

22 this application ever been convicted of any crime

23 involving theft, burglary, sexual misconduct,

24 identity theft, fraud, false statement or the

25 manufacture, sale or distribution of a controlled

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 1 substance, and I put no. And I honestly didn't

 2 think I had anything to worry about, because I also

 3 -- and this is off the Utilities & Transport

 4 Commission web site.

 5 They said, new rules adapted in -- or

 6 adopted in 2012 were mandatory criminal background

 7 check, no conviction for certain felony crimes in

 8 the past five years, and I have not had any felony

 9 convictions in the past five years, holding a valid

10 Washington state driver's license, and then

11 providing evidence of enrollment in a drug and

12 alcohol testing program, and owning or leasing the

13 proper equipment.

14 I have bought all the proper equipment and

15 moving blankets, and I've been saving up for this

16 for the past three years. I even went to college

17 and took an accounting course, so I could figure

18 out how to pay employees and stuff. And just

19 everything that I've done has been for this

20 company. So it's a big letdown that I got denied

21 in the first place, and I don't feel like I should

22 have been.

23 JUDGE PEARSON: Have you -- I saw in your

24 written response that you have history working for

25 other moving companies?

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 1 RICHARD BELL: I worked for Pettinger

 2 Family Movers for probably about nine months.

 3 JUDGE PEARSON: Okay.

 4 RICHARD BELL: I'm not sure if he would

 5 verify that, because we had some issues at the end.

 6 I asked him for some information about my taxes,

 7 and he kind of quit calling me all together.

 8 But I did work through Olsten Staffing for

 9 him, and that was after the fact of working for him

10 for nine months, or whatever. So even if he denied

11 that I worked for him, there's proof there.

12 JUDGE PEARSON: Okay. Thank you.

13 Anything else?

14 RICHARD BELL: No, I think that covers it.

15 JUDGE PEARSON: Okay. Mr. Shearer, do you

16 have anything else?

17 MR. SHEARER: Nothing material, your

18 Honor. Just in summary, staff's case does not

19 believe Mr. Bell was deceptive on the application.

20 That was, as staff acknowledged, an error on the

21 on-line application that did not include the

22 listing of assault. Assault is included in the

23 WAC. That has since been corrected. So staff is

24 not accusing Mr. Bell of being deceptive, or

25 anything like that.

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 1 The scope of this is truly the severity of

 2 the conviction in 2009, and staff acknowledges that

 3 was more than five years ago, and it's a -- it

 4 requires a finding. And so that's what gave staff

 5 pause, and that's the -- that's the linchpin here.

 6 JUDGE PEARSON: Okay. Thank you. Okay.

 7 Well, if there's nothing further from either party,

 8 then we can go ahead and adjourn. And like I said,

 9 I will get the order out shortly after receiving a

10 copy of the transcript.

11 MR. SHEARER: Okay.

12 JUDGE PEARSON: Do you have a question?

13 LAURA BELL: I do want to make a

14 correction. He accidentally told you the wrong

15 e-mail.

16 JUDGE PEARSON: Did you want to provide

17 the correct e-mail?

18 RICHARD BELL: Yes. Rich Bell 1989 at

19 hotmail dot com. I think I said Richard Bell.

20 JUDGE PEARSON: So it's Rich Bell 1989 at

21 hotmail dot com?

22 RICHARD BELL: Yes.

23 JUDGE PEARSON: Thank you for traveling

24 all the way over here today.

25 RICHARD BELL: Thank you for your time.

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 1 LAURA BELL: Thank you.

 2 JUDGE PEARSON: We will be off the record.

 3 (The hearing concluded at 10:15 a.m.)

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 2 C E R T I F I C A T E

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 4 STATE OF WASHINGTON

 5 COUNTY OF KING

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 7 I, Mary M. Paradise, a Certified Shorthand

 8 Reporter in and for the State of Washington, do

 9 hereby certify that the foregoing brief

10 adjudicative proceeding before Administrative Law

11 Judge Rayne Pearson on June 2, 2016, is true and

12 accurate to the best of my knowledge, skill and

13 ability.

14

15 IN WITNESS WHEREOF, I have hereunto set my

16 hand this 10th day of June, 2016.

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21 MARY M. PARADISE, CSR

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