

Docket No. TV-190216 - Vol. I

In the Matter of: iHaul, LLC

May 14, 2019



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BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of Determining the Proper Carrier Classification of, and Complaint for Penalties against: IHAUL, LLC

TRANSPORTATION COURT, VOLUME I

Pages 1-30

ADMINISTRATIVE LAW JUDGE LAURA CHARTOFF

May 14, 2019

9:03 a.m.

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

REPORTED BY: TAYLER GARLINGHOUSE, CCR 3358

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OLYMPIA, WASHINGTON; MAY 14, 2019

9:03 A.M.

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PROCEEDINGS

JUDGE CHARTOFF: Okay. We are on the record. Good morning. Today is Tuesday, May 14th, 2019, and the time is approximately 9:03. We are here for mover's court. There is a traffic accident. Some of the parties are delayed, so we are going to go in recess until approximately 9:20. And that's it. We are in recess.

(Recess taken from 9:03 a.m. until 9:25 a.m.)

JUDGE CHARTOFF: Okay. We are on the record. Good morning. The time is approximately 9:25 a.m. We are back on the record. My name is Laura Chartoff. I am an administrative law judge with the Washington Utilities and Transportation Commission.

There are three household goods carriers who should be here today, so the first thing we're going to do is see who is here. And there is a court reporter who is recording everything we say, so when I call your name, please, if you are in the room, raise your hand and say "here" or "present."

APPEARANCES

ADMINISTRATIVE LAW JUDGE: LAURA CHARTOFF Utilities and Transportation Commission 1300 South Evergreen Park Drive SW Olympia, Washington 98504 (360) 664-1160 laura.chartoff@utc.wa.gov

FOR COMMISSION STAFF:

BRIAN BRAUN Compliance Investigator Consumer Protection Utilities and Transportation Commission 1300 South Evergreen Park Drive SW PO Box 47250 Olympia, Washington 98504 (360) 664-1129 brian.braun@utc.wa.gov

FOR IHAUL, LLC:

ASHLEY SIMMONS-COOPER MARKISS COOPER

So Docket TV-190215, Visionary Movers?

MR. LEVERETTE: Here.

JUDGE CHARTOFF: Thank you.

Docket TV-190216, iHaul LLC?

MR. COOPER: Here.

JUDGE CHARTOFF: Thank you.

And Docket TV-190217, Move for Less LLC?

MR. DEYNEKA: Here.

JUDGE CHARTOFF: Okay. Thank you.

Okay. So you are here because the Commission has information that your company is or was operating as a household goods carrier without a permit. Operating as a household goods carrier without a permit is illegal and subject to a penalty of up to \$5,000 per violation. And if you are found to have engaged in business as a household goods carrier without a permit, the Commission can order you to cease and desist operating and impose the penalty.

So the Commission has initiated an enforcement action against you and your business, and at this preliminary hearing, I'm going to ask you how you choose to proceed.

So you have two options. So option A is to admit that you were operating illegally and to agree to cease and desist operating as an unpermitted household

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1 goods carrier. If you choose this option, you must
 2 agree to stop providing, offering, or advertising
 3 unpermitted household goods services unless or until you
 4 receive a household goods permit from the Commission.
 5 If you have applied for or obtained a permit
 6 in advance of this hearing, please let me know that when
 7 I call you up. If you have obtained your permit, you
 8 can continue to operate so long as you are permitted as
 9 you have your permit, but we will need to discuss a
 10 penalty. There will be a penalty for periods when you
 11 were operating illegally.
 12 So option B is to ask for a classification
 13 hearing, and you would choose option B if you believe
 14 you are not operating illegally. In other words, you're
 15 denying that you offer, advertise, or operate
 16 unpermitted household goods carrier services. So if you
 17 choose this option, we will schedule a formal
 18 evidentiary hearing where you will be required to
 19 present proof that your business is not subject to
 20 regulation by the Commission. The hearing will be set
 21 in the next two months with a deadline a week before the
 22 hearing for both you and the Commission Staff to list
 23 your witnesses and file any exhibits.
 24 Mr. Brian Braun will be speaking for the
 25 Commission this morning. If you've not already met

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1 Mr. Braun, he's seated at the table to my right and he
 2 is a Commission compliance investigator.
 3 Okay. So now that I've gone over your
 4 choices, I will explain what else will happen today. So
 5 in a few minutes, I'll call each of you up here to make
 6 your choice, and at that time, I will swear you in so
 7 anything you tell the Court will be under oath. Once
 8 you are sworn in, I will ask you if you understand your
 9 choices for today's hearing and ask you to state your
 10 choice. If there's anything else you want to explain to
 11 me, you will have a chance to do that.
 12 So if you choose option A, you will need to
 13 testify how you plan to comply with the law going
 14 forward, either by becoming a permitted business or
 15 shutting down your unpermitted business. Depending on
 16 what proof you can provide, you may be offered an
 17 opportunity to speak with Staff during a break in the
 18 hearing to negotiate an agreed order to resolve this
 19 matter. The agreed order will also deal with the
 20 penalty.
 21 You were each served with a complaint that
 22 asked the Commission to penalize you for engaging in
 23 business as a household goods carrier without a permit.
 24 The law sets the maximum penalty for each violation at
 25 \$5,000. And Staff will recommend a penalty and you will

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1 have a chance to reach an agreement with Staff about
 2 that penalty amount. If you are unable to agree, Staff
 3 will explain their recommendation, but the Commission
 4 will make a final decision on the penalty amount.
 5 If you choose option B, that is if you deny
 6 you are operating as a household goods mover, we will
 7 schedule another hearing and in that case, it would help
 8 if you have your schedule handy so we can choose a date.
 9 Okay. So, Mr. Braun, I'll swear you in now.
 10 (Brian Braun sworn.)
 11 JUDGE CHARTOFF: So Visionary Movers, can
 12 you please come forward? Before you sit down -- oh, you
 13 will sit there, but before you sit down, I'll swear you
 14 in.
 15 MR. LEVERETTE: Okay.
 16 (Juston Leverette sworn.)
 17 JUDGE CHARTOFF: Please have a seat and hit
 18 the button on your microphone to make sure -- you should
 19 see a light.
 20 MR. LEVERETTE: Good.
 21 JUDGE CHARTOFF: Cool.
 22 Okay. Please state your first and last
 23 name, spelling your last name for the court reporter.
 24 MR. LEVERETTE: Juston Leverette, last name
 25 L-e-v-e-r-e-t-t-e.

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1 JUDGE CHARTOFF: And what is your position
 2 with the company?
 3 MR. LEVERETTE: Owner.
 4 JUDGE CHARTOFF: And do you understand the
 5 options I laid out today?
 6 MR. LEVERETTE: Yes, I do.
 7 JUDGE CHARTOFF: And do you know how you
 8 want to proceed?
 9 MR. LEVERETTE: What I would prefer to do is
 10 I believe go with option A and I'm pretty much already
 11 in compliance with getting all of my -- I already have
 12 my application in for my permit, I've already paid that,
 13 I've already got all my annual reports in. I've pretty
 14 much followed up on everything on my end that I need to
 15 do to become permitted again.
 16 JUDGE CHARTOFF: Okay. Does Staff have a
 17 recommendation on this?
 18 MR. BRAUN: Yes, Your Honor. I am
 19 compliance -- or I agree with that. He's all caught up.
 20 I just believe the mandatory training he needs to be
 21 attending on May 22nd, I believe.
 22 JUDGE CHARTOFF: Okay. Thank you.
 23 Okay. So when we take a break, you can talk
 24 to Staff and see if you can sign an agreed order, and
 25 that order will say that you agree you were operating

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1 without a permit and that you advertised without a
 2 permit and that you agree to stop operating until you
 3 get your permit. And once you feel comfortable with
 4 that order, you and Mr. Braun will both sign it and it
 5 will also include most likely an agreed penalty amount.
 6 But if not, you'll have the opportunity to explain to me
 7 why the penalty should be different than what Staff is
 8 recommending.
 9 MR. LEVERETTE: Okay. And I do also just
 10 want to clarify, I have been in compliance with you guys
 11 for, I believe, a little bit over a year. It wasn't as
 12 if I was just kind of, you know, being -- sounds like I
 13 was just operating without being permitted and just kind
 14 of trying to get over on the system. And that by all
 15 means wasn't the case. I tried to deal with Benjamin --
 16 I'm not sure last name. But I tried to get in my annual
 17 report. We had -- I had issues with my computer and
 18 filing and getting it over to him.
 19 But I -- however, I did do that and I -- I
 20 thought I was in the clear and pretty much come to find
 21 out I wasn't, and then I -- then I find out all this
 22 stuff that I got and obviously from that point, I got
 23 right back into compliance. But it wasn't as if I was
 24 just kind of out operating illegally knowingly and just
 25 kind of in that situation on that.

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1 JUDGE CHARTOFF: Okay. So you -- yeah, I
 2 have in my notes that you were -- you were permitted and
 3 that the -- you did not file your annual report, and so
 4 and I just heard you say that you had technical
 5 difficulties --
 6 MR. LEVERETTE: Correct.
 7 JUDGE CHARTOFF: -- trying to file?
 8 MR. LEVERETTE: That's why I was hoping to
 9 get a reinstatement, but for some reason, I wasn't able
 10 to get that. So I ended up having to pretty much go
 11 over the whole entire process in which I already did,
 12 went through and I complied with. So that's why, I
 13 mean, it would have been nice to try to get the
 14 reinstatement, but instead I had to pretty much start
 15 the whole entire process over.
 16 JUDGE CHARTOFF: Okay. Mr. Braun, do -- do
 17 you have anything to add?
 18 MR. BRAUN: No, Your Honor.
 19 JUDGE CHARTOFF: Okay. Okay. Well, I am
 20 going to -- so I'll have you meet with Mr. Braun and see
 21 if you -- you two can come to an agreed order. And I
 22 understand that you were permitted and that this is an
 23 annual report issue.
 24 MR. LEVERETTE: Correct.
 25 JUDGE CHARTOFF: So I understand that.

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1 MR. LEVERETTE: Gotcha.
 2 JUDGE CHARTOFF: Okay. Can you -- so --
 3 okay. So at this point, you can please return to your
 4 seat, and then once I've had a chance to call up
 5 everybody, we'll take a break and that's when you can
 6 discuss.
 7 MR. LEVERETTE: Sounds good. I appreciate
 8 it.
 9 JUDGE CHARTOFF: Thank you.
 10 Okay. So the next Docket is iHaul LLC.
 11 Come forward.
 12 (Ashley Simmons-Cooper and Markiss
 13 Cooper sworn.)
 14 JUDGE CHARTOFF: You can take a seat over
 15 there. So -- so please state your first and last name,
 16 spelling your last name for the court reporter.
 17 MS. SIMMONS-COOPER: Ashley Simmons-Cooper,
 18 S-i-m-m-o-n-s, hyphen, C-o-o-p-e-r.
 19 MR. COOPER: Markiss Cooper, C-o-o-p-e-r,
 20 first name is M-a-r-k-i-s-s.
 21 JUDGE CHARTOFF: So do you go by
 22 Ms. Simmons-Cooper?
 23 MS. SIMMONS-COOPER: Yes.
 24 JUDGE CHARTOFF: Okay. What is your
 25 position with the company?

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1 MS. SIMMONS-COOPER: I am a general manager
 2 and co-owner.
 3 JUDGE CHARTOFF: And you?
 4 MR. COOPER: Owner.
 5 JUDGE CHARTOFF: So do you understand the
 6 options that I explained today?
 7 MS. SIMMONS-COOPER: Yes, and since -- well,
 8 it -- so we've received our temporary permit and it was
 9 kind of a -- Brian may have a better explanation, it was
 10 kind of timing issue with things. There was like a
 11 two-week period. I was under the understanding that
 12 once we were registered for the training course and we
 13 got our operation in that we were in compliance. So I
 14 did not realize we were actually in noncompliance until
 15 we received a phone call and they were trying to serve
 16 us the letter.
 17 MR. BRAUN: I believe she's talking about
 18 the Order 01. I have been in contact with this company
 19 since February when doing application and the
 20 communication kind of fell off. And so according, you
 21 know, our procedures, we check to see if we can get a
 22 move. In the meantime, they actually got in their
 23 application while trying to achieve service. They had
 24 moved and wasn't able to get served, but then they
 25 stipulated acceptance of service, which you are aware

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1 of.

2 JUDGE CHARTOFF: Okay. So but according

3 to -- let me see. So according to my notes, you were

4 not permitted prior to -- when -- when did you put the

5 application in?

6 MS. SIMMONS-COOPER: When I came for the

7 training, because we needed the rest of the numbers to

8 complete the application as far as the -- what was the

9 State -- the L & I number, something like that. And

10 where we receive our business mail, our business office

11 was closed due to maintenance repairs, so we were unable

12 to receive those numbers. So when I came here for the

13 training, I went downstairs and spoke with Mike Dotson

14 and we were able to complete everything then.

15 JUDGE CHARTOFF: So I -- I'm pulling up

16 the -- the records from this case. So according to --

17 let me see, so you got your first compliance letter from

18 the Commission looks like February 20th, 2019, and then

19 you applied for a permit April 18th, 2019; does that

20 sound right?

21 MS. SIMMONS-COOPER: So we received the

22 letter March 2nd.

23 JUDGE CHARTOFF: Okay.

24 MS. SIMMONS-COOPER: And that was -- I

25 believe it was a Saturday because the following Monday

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1 is when I -- the first time I contacted Brian and I had

2 asked him, you know, can you explain this to me.

3 Because the date that it needed to be turned in was the

4 6th, which gave us four days.

5 JUDGE CHARTOFF: Okay. So prior to -- so

6 when you got the compliance letter, though, are -- are

7 you denying that you were operating as a business prior

8 to?

9 MS. SIMMONS-COOPER: No, ma'am.

10 JUDGE CHARTOFF: Okay. So you're admitting

11 that you were operating prior to getting that compliance

12 letter?

13 MS. SIMMONS-COOPER: Yes, because we were

14 completely unaware. We had no clue. We thought we had

15 everything and all these per- -- all the permits that we

16 needed. We had never even heard of this.

17 JUDGE CHARTOFF: Right, okay. Okay. So if

18 you -- if you choose to oper- -- to enter into an agreed

19 order with Staff or discuss that, what the order will

20 say is that you agree you were operating without a

21 permit prior -- you know, prior to finding out about it.

22 MS. SIMMONS-COOPER: Yes.

23 JUDGE CHARTOFF: And that you agree you'll

24 stop operating if you should lose your permit.

25 MS. SIMMONS-COOPER: Correct.

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1 JUDGE CHARTOFF: And you can negotiate with

2 Staff about the penalty, and I believe that the fact

3 that you were not permitted before, you were not aware

4 of -- of the Commission and that you were required,

5 that -- that will be taken into account with the

6 penalty.

7 MS. SIMMONS-COOPER: Okay.

8 JUDGE CHARTOFF: So the fact that -- what

9 I -- what I think you're -- what I think I'm hearing is

10 that you got that compliance letter, you applied for a

11 permit -- I guess I -- I don't -- the fact that -- we --

12 we still bring people -- I'm trying to think of how to

13 say this. I'm twisting my -- I don't want to put -- I

14 have to be careful because I don't want to put words in

15 your mouth that aren't -- that you're not trying to say.

16 So I guess I don't understand the issue

17 of -- are you concerned that you feel like you were

18 brought in -- you didn't have enough time to comply

19 or...

20 MS. SIMMONS-COOPER: No, not necessarily.

21 So I can kind of give you a timeline. So the date on

22 the letter that -- the first letter that we received

23 from the Commission was February 20th. We didn't

24 receive the letter until March 2nd. The letter was

25 the -- the -- I guess I'd call it a demand in the

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1 letter, the deadline was March 6th.

2 So immediately, the following business day,

3 which was that Monday, I want to say that was the 4th, I

4 contacted Brian, I asked him, you know, I'm -- I'm

5 confused. How did we get here? I've never heard of

6 this, and then I received this letter saying that we

7 could possibly be imposed with a \$5,000 fine, you know,

8 can you explain this to me?

9 So he explained, you know, you need to go

10 through the application process and make sure you do the

11 registration for the classes for the trainings. So we

12 did that immediately. We got our training date. At the

13 training date, I had more questions because I was still

14 kind of confused about how all this works. And in

15 between that time, I contacted Brian a couple of times,

16 and the last time I spoke with him, he reminded me to

17 make sure I watch my email for the exact training date.

18 And then the list final -- we finally received the email

19 notification of the list and whatnot.

20 So when I came down, I did all that stuff, I

21 turned the application in there. And then the next

22 thing I hear is I received an email from Mike saying

23 that the application is on hold. And at that point, I

24 was totally confused because I'm like I thought that

25 we'd done everything that we were asked to do. And then

1 we get a phone call from the process server and I'm
 2 like, well, what is -- I didn't understand how it got
 3 there.
 4 Now, I've spoken with Brian since this as
 5 well and I understand the process of this. Whereas
 6 before, like I said, we'd never even heard of the
 7 Utility Commission.
 8 JUDGE CHARTOFF: Okay.
 9 MS. SIMMONS-COOPER: And so it was -- it was
 10 all kind of new to us, and I -- I feel like I made the
 11 mistake. I should have kept better communication with
 12 him in between the time up until the training.
 13 JUDGE CHARTOFF: Okay. Okay. I understand.
 14 Yeah, you did not expect to be brought into this
 15 proceeding when you had already got your application in
 16 and were...
 17 MS. SIMMONS-COOPER: Right.
 18 JUDGE CHARTOFF: In the process -- yeah.
 19 Okay. Okay. So I -- yeah.
 20 Do you have anything to add? No?
 21 MR. BRAUN: No, Your Honor.
 22 JUDGE CHARTOFF: Okay. So why don't we go
 23 ahead and at the break, you can see if you can negotiate
 24 an order with Brian to get this resolved. I do
 25 understand that you were surprised to be brought in, but

1 JUDGE CHARTOFF: Owner, okay. And do you
 2 understand your options here today?
 3 MR. DEYNEKA: Yes, yes, I'm going with two
 4 (inaudible).
 5 JUDGE CHARTOFF: Could you repeat what you
 6 said?
 7 MR. DEYNEKA: I'm going with two, so --
 8 JUDGE CHARTOFF: Oh, okay. You're going --
 9 MR. DEYNEKA: Yeah, so it's not hard to
 10 choose from, but I guess I have to be the second one
 11 because we -- we were in compliance. The only is that I
 12 basically had Move for Less as a d/b/a for my other
 13 company and it was somehow in the process of like
 14 verification or something like that with -- but we -- we
 15 were in compliance fully so...
 16 JUDGE CHARTOFF: Mr. Braun, do you have any
 17 comment?
 18 MR. BRAUN: At the time of everything when
 19 the -- when I did my investigation, there was two --
 20 well, there were two separate companies, they had two
 21 separate UBIs, and it appears there were two separate
 22 companies operating.
 23 Yes, Yuriy was a pivot point of being the
 24 owner of both companies, but Move for Less had a
 25 different UBI than the Two Men and a Moving Van, which

1 you -- you know, as you said, you -- you were operating
 2 illegally, so this is the process that we do to get
 3 people into compliance.
 4 MS. SIMMONS-COOPER: Right.
 5 JUDGE CHARTOFF: So do you have anything
 6 else to add? No?
 7 MS. SIMMONS-COOPER: No.
 8 JUDGE CHARTOFF: Okay. So why don't you --
 9 if you could return to your seat, and we'll take a break
 10 after I call the third party.
 11 MS. SIMMONS-COOPER: Thank you.
 12 JUDGE CHARTOFF: Okay. Thank you.
 13 Okay. So the third party is Docket 190217,
 14 Move for Less LLC? Are you still on the line?
 15 MR. DEYNEKA: Yes, yes, your Honor.
 16 JUDGE CHARTOFF: And I will swear you in.
 17 (Yuriy Deyneka sworn.)
 18 JUDGE CHARTOFF: Thank you. Please state
 19 your first and last name, spelling your last name for
 20 the court reporter.
 21 MR. DEYNEKA: Yuriy Deyneka, last name
 22 D-e-y-n, as in Nancy, e-k-a.
 23 JUDGE CHARTOFF: Thank you. And what is
 24 your position with the company?
 25 MR. DEYNEKA: I'm owner of the company.

1 he now has an active permit under and has moved his
 2 d/b/a of his Move for Less under. He was previously had
 3 both companies permitted with the UTC. The Move for
 4 Less had lost its permit due to lack of insurance. The
 5 Move for Less had a website that was active, had no UTC
 6 number on it and it had no indication that it was even
 7 tied to Two Men and a Moving Van. That would be based
 8 on my investigation upon for bringing him into court
 9 today.
 10 JUDGE CHARTOFF: Okay. Thank you.
 11 Okay. So, Mr. Deyneka, so you have -- it
 12 does look like your permit was cancelled.
 13 MR. DEYNEKA: It was -- it -- uh-huh.
 14 JUDGE CHARTOFF: But you have the option to
 15 ask for an evidentiary hearing, so I will -- so I just
 16 want to make sure you understand that we will go ahead
 17 and set a hearing where you would need to prove that you
 18 were permitted.
 19 MR. DEYNEKA: Of course. The thing is that
 20 I basically reopen -- I open another company, so I -- I
 21 didn't know that I have to have two UTC permits for each
 22 company. So I called the office, and there was a lady
 23 at the UTC office and she said that I can do it as a
 24 d/b/a, so I proceeded with that. But yeah, I didn't
 25 know that I have to put like the UTC number on my

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1 website. So -- so it was my mistake, so but we were
 2 always in compliance.
 3 JUDGE CHARTOFF: Okay.
 4 MR. DEYNEKA: Had insurance. Actually I had
 5 insurance, but -- for that particular unit that I used
 6 for Move for Less, but I transfer it to Two Men and a
 7 Moving Van, so it was always on the insurance. So we
 8 never break the UTC law about what insurances and
 9 everything. So it was always under insurance, and it
 10 was always cargo, it was always physical damage and
 11 general liability. So I wasn't aware but under Two Men
 12 and a Moving Van, which is my second company so...
 13 JUDGE CHARTOFF: Okay. All right. Well,
 14 it's your choice, so I -- I'm going to go ahead and --
 15 so I have some tentative dates. Our -- we're
 16 actually -- UTC headquarters is moving next month, and
 17 I'm not -- I'm not entirely sure if the room is
 18 available, but I can -- I'll pick -- I picked some
 19 tentative dates. So we'd be looking at a hearing on --
 20 during the week of July 22nd. Are you available?
 21 MR. DEYNEKA: Yeah, yeah, I'm available. My
 22 wife is pregnant. So I'm not sure, because our due date
 23 is close, but -- but I will do my best so...
 24 JUDGE CHARTOFF: Okay. So I'm looking at
 25 July 22nd.

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1 MR. DEYNEKA: Yeah.
 2 JUDGE CHARTOFF: Does that work for you?
 3 MR. DEYNEKA: Yeah, yeah. If it's only one
 4 way, I have all paperwork, about 12 pages, all
 5 documents.
 6 JUDGE CHARTOFF: Okay.
 7 MR. DEYNEKA: So everything is ready so...
 8 JUDGE CHARTOFF: Do -- and I assume,
 9 Mr. Braun, do we have an address for -- for Move for
 10 Less?
 11 MR. BRAUN: Yes, Judge, we have an email
 12 address and a telephone number.
 13 JUDGE CHARTOFF: Okay. So I will send a
 14 hearing notice to you by email, and at that hearing, you
 15 will be required to present proof that your business --
 16 actually --
 17 MR. DEYNEKA: Yeah, but you guys have all of
 18 those -- those documents. I can't bring anything better
 19 than you -- than I sent to Mr. Brian and Mr. Mike.
 20 JUDGE CHARTOFF: You know what, I have to --
 21 I have to consult with my supervisor because you're
 22 presenting something unusual. I'm not sure if a
 23 classification hearing is appropriate, so I'm going to
 24 ask you to remain on the line.
 25 MR. DEYNEKA: Sure.

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1 JUDGE CHARTOFF: And I will consult with my
 2 supervisor during the break, and let me get the rest of
 3 the parties going on that. Okay. So please hold on.
 4 MR. DEYNEKA: Sure.
 5 JUDGE CHARTOFF: And -- so okay. So at this
 6 point, we're going to take a break. And as soon as you
 7 have a chance to review the cease and desist orders with
 8 Staff, you will have a chance to talk about the penalty.
 9 The penalty may be small or there may be a reason why
 10 Staff asked for a larger penalty, for example, if you've
 11 been in front of a judge here before or you used to have
 12 a household goods permit with the Commission that was
 13 cancelled.
 14 Usually part of the penalty is suspended and
 15 you will not have to pay it unless you break the law
 16 again. So you will pay part of the penalty today, and
 17 you would only have to pay the rest of the penalty if
 18 you violate the order.
 19 I will then call each of you back up, make
 20 sure you understand the order, I will sign it, and then
 21 you will leave with a copy of it. And is there anything
 22 else before we take a break?
 23 MR. BRAUN: No, Your Honor.
 24 JUDGE CHARTOFF: Oh, okay. So we are in
 25 recess. I will be in my office, let me know when I need

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1 to come back.
 2 (Recess taken from 10:00 a.m.
 3 until 10:35 a.m.)
 4 JUDGE CHARTOFF: Okay. Let's be back on the
 5 record.
 6 MR. DEYNEKA: Yes.
 7 JUDGE CHARTOFF: Okay. Mr. Deyneka, you're
 8 still on the line?
 9 MR. DEYNEKA: Yes, mm-hmm.
 10 JUDGE CHARTOFF: Okay. So I did have a
 11 chance to discuss with the supervising judge. You do --
 12 you have a right to dispute the allegations against you,
 13 so I will go ahead and set your case for hearing as we
 14 discussed on July 22nd.
 15 MR. DEYNEKA: Mm-hmm.
 16 JUDGE CHARTOFF: And we will get a notice
 17 out to you.
 18 MR. DEYNEKA: Mm-hmm.
 19 JUDGE CHARTOFF: Okay.
 20 MR. DEYNEKA: Okay.
 21 JUDGE CHARTOFF: So you are --
 22 MR. DEYNEKA: What -- what time?
 23 JUDGE CHARTOFF: We can do 9:30 or 1:30.
 24 MR. DEYNEKA: 1:30 will be best because I
 25 have to drop off the kid in the morning at the school

1 so...

2 JUDGE CHARTOFF: Okay. 1:30 it is.

3 MR. DEYNEKA: Mm-hmm, yeah.

4 JUDGE CHARTOFF: Anything further? Okay.

5 You are free to go.

6 MR. DEYNEKA: All right. Thank you much.

7 Thank you. Thank you, Your Honor.

8 JUDGE CHARTOFF: Thank you.

9 MR. DEYNEKA: Thank you, bye-bye.

10 JUDGE CHARTOFF: So -- okay. So I'll call

11 up Visionary Movers, Juston Leverette. Okay. And I'll

12 just briefly go over the order. So did you have a

13 chance to read the whole order?

14 MR. LEVERETTE: Yes.

15 JUDGE CHARTOFF: And do you understand it?

16 MR. LEVERETTE: Yes, ma'am.

17 JUDGE CHARTOFF: Okay. And I see that you

18 and Mr. Braun have both signed it. Looks like there are

19 two violations; one for offering to transport household

20 goods and one for advertising household goods.

21 Visionary Movers is assessed a penalty of \$5,000, a

22 \$4,500 portion of the penalty is suspended for a period

23 of two years, and the company will pay the \$500 in three

24 installments?

25 MR. LEVERETTE: Correct.

1 permit in good standing.

2 MR. LEVERETTE: Gotcha.

3 JUDGE CHARTOFF: And don't let it lapse.

4 MR. LEVERETTE: Right. Gotcha.

5 JUDGE CHARTOFF: Okay. Do you have any

6 additional questions?

7 MR. LEVERETTE: No, ma'am.

8 JUDGE CHARTOFF: Okay. I am going to sign

9 this. Okay. And Staff will make a copy for you, and

10 once you get the copy, you'll be free to go.

11 MR. LEVERETTE: Sweet deal. Appreciate it.

12 JUDGE CHARTOFF: Okay. So you can return to

13 your seat and once they give you the copy, you'll be

14 free to go.

15 MR. LEVERETTE: Thank you.

16 JUDGE CHARTOFF: And iHaul, come back up.

17 So have you had a chance to read the whole order?

18 MS. SIMMONS-COOPER: Yes.

19 JUDGE CHARTOFF: And do you understand it?

20 MS. SIMMONS-COOPER: Yes.

21 MR. COOPER: Yes.

22 JUDGE CHARTOFF: Okay. And I see -- okay.

23 So Ms. Simmons-Cooper has signed it?

24 MS. SIMMONS-COOPER: Yes.

25 JUDGE CHARTOFF: Okay. And it looks like

1 JUDGE CHARTOFF: Yes. And I understand the

2 company -- you have an application pending?

3 MR. LEVERETTE: (Nodding head.)

4 JUDGE CHARTOFF: And do you understand that

5 if you miss a payment you have to pay the entire amount?

6 MR. LEVERETTE: Yes.

7 JUDGE CHARTOFF: Including the suspended

8 penalty. So if for some reason you are going to be late

9 making a payment, you must contact Staff and make

10 arrangements so you don't end up having to pay the full

11 amount.

12 MR. LEVERETTE: Gotcha.

13 JUDGE CHARTOFF: And the forty -- \$4,500 is

14 suspended for two years from today's date, which means

15 that if Staff finds you operating without a permit

16 during this period, you would have to pay the full

17 \$4,500.

18 MR. LEVERETTE: Gotcha.

19 JUDGE CHARTOFF: So -- and one last thing,

20 the order to cease and desist is permanent. What that

21 means, that even after two years, if Staff finds you

22 operating without your permit, they can go straight to

23 Superior Court and ask for higher penalties. So it's

24 very important that you follow the law, that you keep

25 your -- so long as you're operating that you keep your

1 there are two violations; one for offering a move and

2 one for advertising a move. There is a \$5,000 penalty,

3 a \$4,750 portion of the penalty is suspended for a

4 period of two years from the date of this order

5 provided iHaul maintains its permit or refraining

6 permanently from operating should it fail to maintain

7 the permit. The payments -- a \$100 payment is being

8 made today and then \$150 on June 14th, 2019?

9 MS. SIMMONS-COOPER: That's correct.

10 JUDGE CHARTOFF: Okay. And do you

11 understand that if you miss a payment, you'd have to pay

12 the entire amount?

13 MS. SIMMONS-COOPER: Yes.

14 MR. COOPER: Yes.

15 JUDGE CHARTOFF: So if, for some reason,

16 you'll be late making a second payment, you should

17 contact Staff and make arrangements so you don't have

18 the full \$5,000 owing. Okay. Do you have any

19 questions?

20 MS. SIMMONS-COOPER: No.

21 MR. COOPER: No.

22 JUDGE CHARTOFF: Okay. I'll go ahead and

23 sign this. Okay. Once you get a copy, you'll be free

24 to go.

25 MS. SIMMONS-COOPER: Thank you.

1 MR. COOPER: Thank you.
2 JUDGE CHARTOFF: Thank you.
3 So we are off the record. We are adjourned.
4 (Adjourned at 10:44 a.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 correct to the best of my knowledge, skill and ability.
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12 
13 Tayler Garlinghouse, CCR 3358
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<p>COUNTY 30:4 couple 16:15 course 12:12 20:19 court 1:10 3:9,22 6:7 7:23 11:16 18:20 20:8 26:23</p> <hr/> <p style="text-align: center;">D</p> <hr/> <p>D 3:4 D-e-y-n 18:22 d/b/a 19:12 20:2,24 damage 21:10 date 7:8 14:3 15:21 16:12,13,17 21:22 26:14 28:4 dates 21:15,19 day 16:2 days 14:4 deadline 5:21 16:1 deal 6:19 9:15 27:11 decision 7:4 deist 4:25 delayed 3:10 demand 15:25 deny 7:5 denying 5:15 14:7 Depending 6:15 desist 4:17 23:7 26:20 Determining 1:4 Deyneka 4:8 18:15 18:17,21,21,25 19:3,7,9 20:11,13 20:19 21:4,21 22:1,3,7,17,25 23:4 24:6,7,9,15 24:18,20,22,24 25:3,6,9 different 9:7 19:25 difficulties 10:5 discuss 5:9 11:6 14:19 24:11 discussed 24:14 dispute 24:12 Docket 1:4 4:1,4,7</p>	<p>11:10 18:13 documents 22:5,18 doing 12:19 Dotson 13:13 downstairs 13:13 Drive 1:17 2:4,11 drop 24:25 due 13:11 20:4 21:22</p> <hr/> <p style="text-align: center;">E</p> <hr/> <p>E 2:1,1 3:4,4 30:1,1 e-k-a 18:22 either 6:14 email 16:17,18,22 22:11,14 ended 10:10 enforcement 4:20 engaged 4:15 engaging 6:22 enter 14:18 entire 10:11,15 26:5 28:12 entirely 21:17 Evergreen 1:17 2:4 2:11 everybody 11:5 evidentiary 5:18 20:15 exact 16:17 example 23:10 exhibits 5:23 expect 17:14 explain 6:4,10 7:3 9:6 14:2 16:8 explained 12:6 16:9 explanation 12:9</p> <hr/> <p style="text-align: center;">F</p> <hr/> <p>F 30:1 fact 15:2,8,11 fail 28:6 far 13:8 February 12:19 13:18 15:23 feel 9:3 15:17 17:10</p>	<p>fell 12:20 file 5:23 10:3,7 filing 9:18 final 7:4 16:18 finally 16:18 find 9:20,21 finding 14:21 finds 26:15,21 fine 16:7 first 3:21 7:22 11:15,20 13:17 14:1 15:22 18:19 follow 26:24 followed 8:14 following 13:25 16:2 foregoing 30:8 formal 5:17 forty 26:13 forward 6:14 7:12 11:11 found 4:15 four 14:4 Fourth 1:22 free 25:5 27:10,14 28:23 front 23:11 full 26:10,16 28:18 fully 19:15 further 25:4</p> <hr/> <p style="text-align: center;">G</p> <hr/> <p>G 3:4 Garlinghouse 1:20 30:6,13 general 12:1 21:11 getting 8:11 9:18 14:11 give 15:21 27:13 go 3:11 8:10 10:10 11:21 16:9 17:22 20:16 21:14 24:13 25:5,12 26:22 27:10,14 28:22,24 going 3:11,21 4:21 6:13 10:20 19:3,7</p>	<p>19:8 21:14 22:23 23:3,6 26:8 27:8 good 3:7,16 7:20 11:7 27:1 goods 3:20 4:12,13 4:16 5:1,3,4,16 6:23 7:6 23:12 25:20,20 Gotcha 11:1 26:12 26:18 27:2,4 guess 15:11,16,25 19:10 guys 9:10 22:17</p> <hr/> <p style="text-align: center;">H</p> <hr/> <p>hand 3:24 handy 7:8 happen 6:4 hard 19:9 head 26:3 headquarters 21:16 hear 16:22 heard 10:4 14:16 16:5 17:6 hearing 4:21 5:6,13 5:18,20,22 6:9,18 7:7 15:9 20:15,17 21:19 22:14,14,23 24:13 help 7:7 higher 26:23 hit 7:17 hold 16:23 23:3 Honor 8:18 10:18 17:21 18:15 23:23 25:7 hoping 10:8 household 3:20 4:12,13,16,25 5:3 5:4,16 6:23 7:6 23:12 25:19,20 hyphen 11:18</p> <hr/> <p style="text-align: center;">I</p> <hr/> <p>iHaul 1:7 2:14 4:4</p>	<p>11:10 27:16 28:5 illegal 4:14 illegally 4:24 5:11 5:14 9:24 18:2 immediately 16:2 16:12 important 26:24 impose 4:18 imposed 16:7 inaudible 19:4 include 9:5 Including 26:7 indication 20:6 information 4:11 initiated 4:19 installments 25:24 insurance 20:4 21:4,5,7,9 insurances 21:8 investigation 19:19 20:8 investigator 2:9 6:2 issue 10:23 12:10 15:16 issues 9:17</p> <hr/> <p style="text-align: center;">J</p> <hr/> <p>judge 1:12 2:2 3:6 3:15,18 4:3,6,9 7:11,17,21 8:1,4,7 8:16,22 10:1,7,16 10:19,25 11:2,9 11:14,21,24 12:3 12:5 13:2,15,23 14:5,10,17,23 15:1,8 17:8,13,18 17:22 18:5,8,12 18:16,18,23 19:1 19:5,8,16 20:10 20:14 21:3,13,24 22:2,6,8,11,13,20 23:1,5,11,24 24:4 24:7,10,11,16,19 24:21,23 25:2,4,8 25:10,15,17 26:1 26:4,7,13,19 27:3</p>
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