

Docket No. TE-190822 - Vol. I

In the Matter of: Nicholas Konopik dba Kraken  
Tours

December 10, 2019



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1 BEFORE THE WASHINGTON  
 2 UTILITIES AND TRANSPORTATION COMMISSION  
 3 \_\_\_\_\_  
 4 In the Matter of Determining the  
 5 Proper Carrier Classification )  
 6 of, and Complaint for Penalties )  
 7 against: ) Docket No. TE-190822  
 8 NICHOLAS KONOPIK, DBA Kraken )  
 9 Tours )  
 10 \_\_\_\_\_  
 11 TRANSPORTATION COURT, VOLUME I  
 12 Pages 1-27  
 13 ADMINISTRATIVE LAW JUDGE RAYNE PEARSON  
 14 \_\_\_\_\_  
 15 9:09 A.M.  
 16 December 10, 2019  
 17 Washington Utilities and Transportation Commission  
 18 621 Woodland Square Loop SE  
 19 Lacey, Washington 98503  
 20 REPORTED BY: ANITA W. SELF, RPR, CCR #3032  
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1 APPEARANCES  
 2 ADMINISTRATIVE LAW JUDGE:  
 3 RAYNE PEARSON  
 4 FOR COMMISSION STAFF:  
 5 MICHAEL DOTSON,  
 6 Transportation Investigator  
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 10 FOR NICHOLAS KONOPIK:  
 11 In Propria Persona  
 12 \* \* \* \* \*

Page 3

1 LACEY, WASHINGTON; DECEMBER 10, 2019  
 2 9:09 A.M.  
 3 PROCEEDINGS  
 4  
 5 JUDGE PEARSON: Good morning. My name is  
 6 Rayne Pearson. I'm an administrative law judge with  
 7 the Washington Utilities and Transportation  
 8 Commission.  
 9 Today is December 10th, 2019, and the time  
 10 is approximately 9:10 a.m.  
 11 There are three charter party and  
 12 excursion service carriers who should be present  
 13 today, so the first thing that I'll do is take a roll  
 14 call to see who's here.  
 15 There is a court reporter who's recording  
 16 everything that we say, so when I call your name,  
 17 please raise your hand, but please also give a verbal  
 18 response such as "here" or "present."  
 19 The first docket is TE-190828,  
 20 Michael S. Miller, DBA Tiger Mountain Shuttle and  
 21 Tiger Shuttle.  
 22 MR. STIRBIS: Present with counsel,  
 23 your Honor.  
 24 JUDGE PEARSON: Thank you.  
 25 The next docket is TE-190842, Luxury1 Limo

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1 LLC.  
 2 MR. SINGH: Here.  
 3 JUDGE PEARSON: Okay.  
 4 And can you tell me how to pronounce your  
 5 name?  
 6 MR. SINGH: Satwinder.  
 7 JUDGE PEARSON: Satwinder. And your last  
 8 name?  
 9 MR. SINGH: Singh.  
 10 JUDGE PEARSON: Singh. Okay.  
 11 Docket TE-190822, Kraken Tours.  
 12 MR. KONOPIK: Kraken. Present.  
 13 JUDGE PEARSON: And can you tell me how to  
 14 pronounce your last name?  
 15 MR. KONOPIK: Konopik.  
 16 JUDGE PEARSON: Konopik. Okay. Thank  
 17 you.  
 18 So you all are here because the Commission  
 19 issued a complaint against you based on information  
 20 that your business is operating or advertising as a  
 21 charter and excursion carrier without a certificate  
 22 from the Commission.  
 23 If it's proven that you are, in fact,  
 24 engaging in that conduct, the Commission will order  
 25 you to stop operating until such time as you obtain a

Page 5	<p>1 certificate, and can impose penalties of up to \$5,000</p> <p>2 per violation.</p> <p>3 So at this preliminary hearing today, I'm</p> <p>4 going to ask you how you'd like to proceed. Your</p> <p>5 first option is to agree to cease and desist operating</p> <p>6 as an unpermitted charter and excursion carrier. And</p> <p>7 if you choose that option, you must agree to stop</p> <p>8 providing, offering and advertising unpermitted</p> <p>9 charter and excursion carrier services unless or until</p> <p>10 you obtain a permit from the Commission.</p> <p>11 If you choose this option, you'll need to</p> <p>12 show what you've done to shut down your business,</p> <p>13 either completely or partially, so that you're no</p> <p>14 longer advertising, offering or providing unpermitted</p> <p>15 services in this state. For example, you'll need to</p> <p>16 prove that you have taken down or changed your website</p> <p>17 or other online advertisements for your business.</p> <p>18 If you have applied for or obtained a</p> <p>19 certificate in advance of the hearing, please let me</p> <p>20 know that when I call you up. In that case, we will</p> <p>21 not ask you to stop operating, but we will want you to</p> <p>22 acknowledge that you were operating previously without</p> <p>23 a permit, and that you agree that you will stop</p> <p>24 operating if your certificate is suspended or canceled</p> <p>25 in the future for any reason.</p>	Page 7	<p>1 lawyer, I'll swear you in so that anything you say</p> <p>2 will be under oath. And once you're sworn in, I will</p> <p>3 ask if you understand your choices for today's</p> <p>4 hearing, and then ask you to state your choice. And</p> <p>5 if there's anything else that you want to explain to</p> <p>6 me, you'll have an opportunity to do that at that</p> <p>7 time.</p> <p>8 If you choose option A, you'll want to</p> <p>9 testify about how you're getting out of the charter</p> <p>10 and excursion business, and you can explain how you</p> <p>11 plan to do that. Depending on what proof you can</p> <p>12 provide, you may be given an opportunity to meet with</p> <p>13 Staff during the break in the hearing to negotiate an</p> <p>14 agreed cease and desist order.</p> <p>15 Again, if you've recently applied for or</p> <p>16 received a permit, you'll also be given an opportunity</p> <p>17 to meet with Staff to negotiate an agreed order to</p> <p>18 resolve this matter.</p> <p>19 In the agreed order, we'll also deal with</p> <p>20 the penalty. You were each served with a complaint</p> <p>21 that asked the Commission to penalize you for engaging</p> <p>22 in business as a charter or excursion carrier without</p> <p>23 a permit, and the law sets the maximum penalty for</p> <p>24 each violation at \$5,000.</p> <p>25 So Staff will recommend a penalty amount,</p>
Page 6	<p>1 Your second option is to ask for a</p> <p>2 classification hearing, and you would choose this</p> <p>3 option if you believe that your business is not</p> <p>4 subject to regulation by the Commission. In other</p> <p>5 words, you would be denying that you advertise, offer</p> <p>6 or provide unpermitted charter and excursion carrier</p> <p>7 services.</p> <p>8 And if you choose this option, we will</p> <p>9 schedule a formal evidentiary hearing where you will</p> <p>10 be required to present evidence that your business is</p> <p>11 not subject to regulation by the Commission. The</p> <p>12 hearing will be set in approximately two to</p> <p>13 three months from now, with a deadline a week before</p> <p>14 the hearing for both you and Commission Staff to list</p> <p>15 your witnesses and file any exhibits.</p> <p>16 Michael Dotson will be speaking for</p> <p>17 Commission Staff this morning. Mr. Dotson is seated</p> <p>18 over here to my right. He's a Commission compliance</p> <p>19 investigator.</p> <p>20 So now that we've gone over your choices,</p> <p>21 I'll explain what else will happen today. In a few</p> <p>22 minutes, I will call each of you up here to make your</p> <p>23 choice. Just one second.</p> <p>24 For those of you appearing pro se, which</p> <p>25 means that you are representing yourself without a</p>	Page 8	<p>1 and you will have a chance to reach an agreement with</p> <p>2 Staff about the penalty amount. If you're unable to</p> <p>3 agree, Staff will explain its recommendation, but the</p> <p>4 Commission will make the final decision about the</p> <p>5 penalty amount.</p> <p>6 And if you choose option B, that is, if</p> <p>7 you deny that you're operating as a charter and</p> <p>8 excursion service carrier, we will schedule another</p> <p>9 hearing, like I discussed earlier.</p> <p>10 So Mr. Dotson, I will go ahead and swear</p> <p>11 you in now before we call up the first carrier. If</p> <p>12 you could please stand and raise your right hand.</p> <p>13 (Michael Dotson sworn.)</p> <p>14 JUDGE PEARSON: Go ahead and be seated.</p> <p>15 Let's call Docket TE-190828, Tiger Mountain Shuttle</p> <p>16 and Tiger Shuttle, forward. Counsel and Mr. Miller,</p> <p>17 if you want to just take seats at the table, and make</p> <p>18 sure that your microphones are turned on.</p> <p>19 MR. STIRBIS: Hello.</p> <p>20 JUDGE PEARSON: You have to push the</p> <p>21 button and then the green light will illuminate. You</p> <p>22 might have to -- there you go.</p> <p>23 MR. STIRBIS: Good morning, your Honor.</p> <p>24 Dave Stirbis on behalf of Mr. Miller.</p> <p>25 JUDGE PEARSON: Good morning. Did you</p>

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1 provide a -- I know you entered a Notice of Appearance  
 2 in the docket, and I appreciate that. Did you provide  
 3 the court reporter with your business card?  
 4 MR. STIRBIS: I did not.  
 5 JUDGE PEARSON: Could you do so?  
 6 MR. STIRBIS: Certainly. If I may  
 7 approach, your Honor.  
 8 JUDGE PEARSON: Absolutely.  
 9 So Mr. Stirbis, how does your client wish  
 10 to proceed this morning?  
 11 MR. STIRBIS: Your Honor, what we'd like  
 12 to do is, I've spoken to Jason Houks (phonetic), I  
 13 believe it's pronounced.  
 14 JUDGE PEARSON: Hoxit.  
 15 MR. STIRBIS: Hoxit?  
 16 JUDGE PEARSON: Yes.  
 17 MR. STIRBIS: And what we'd like to do is,  
 18 we'd like to set this for a contested hearing.  
 19 JUDGE PEARSON: Sure.  
 20 MR. STIRBIS: That will give my client an  
 21 opportunity to obtain a permit and then approach the  
 22 staff on what we believe might be a fair resolution as  
 23 to penalty. So we'd like to set it over for hearing.  
 24 JUDGE PEARSON: Okay. So let's deal with  
 25 that right now so I can excuse you --

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1 MR. STIRBIS: Thank you.  
 2 JUDGE PEARSON: -- rather than hold you  
 3 here. So I do have some dates in mind --  
 4 MR. STIRBIS: All righty.  
 5 JUDGE PEARSON: -- if you have your  
 6 calendar available, and if Staff has its calendars  
 7 available.  
 8 MR. STIRBIS: Your Honor, I'll turn on my  
 9 phone. Is that all right?  
 10 JUDGE PEARSON: Sure. The only caveat is  
 11 that Staff will need to have an Assistant Attorney  
 12 General assigned to the matter, and I imagine that the  
 13 dates that I'm going to propose are far enough out  
 14 that they'll be able to make an assignment, they'll be  
 15 someone available to represent Staff.  
 16 MR. STIRBIS: Okay.  
 17 JUDGE PEARSON: But just to give you that  
 18 caveat that, in the event that that isn't able to  
 19 happen, we will contact you and find another agreed  
 20 date that will work for everyone.  
 21 MR. STIRBIS: All right. And then,  
 22 your Honor, I'd like to speak to Staff. Perhaps if we  
 23 set it out, you're talking about two or three months,  
 24 perhaps before -- I don't want to waste the AG's time,  
 25 perhaps in 30 days when he's reached [sic] the permit,

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1 and I could -- maybe I'll just talk to them about that  
 2 because I just don't --  
 3 JUDGE PEARSON: You can -- you can have  
 4 the option of either dealing directly with Staff or  
 5 talking to them through their attorney --  
 6 MR. STIRBIS: Okay.  
 7 JUDGE PEARSON: -- because the attorney  
 8 would be interested in trying to reach a settlement  
 9 outcome with you as well.  
 10 MR. STIRBIS: Okay. Thank you.  
 11 JUDGE PEARSON: So the dates that I have  
 12 right now are January 28th, and then I don't have  
 13 anything free again until February 24th or  
 14 February 25th. And for the 25th, I can only do the  
 15 afternoon.  
 16 MR. STIRBIS: If we could do the -- let me  
 17 just double-check -- the afternoon of the 25th,  
 18 your Honor. Let me make sure.  
 19 JUDGE PEARSON: February 25th?  
 20 MR. STIRBIS: That I'm showing is --  
 21 that's a Tuesday, your Honor?  
 22 JUDGE PEARSON: Well, now I'm going to  
 23 have to check, but I believe it is, yes. Let me look  
 24 on my calendar. Yes, February 25th is a Tuesday.  
 25 Does that work for Staff?

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1 MR. STIRBIS: It does. Mr. Miller?  
 2 MR. MILLER: Yes.  
 3 MR. HOXIT: That works for Staff, yes.  
 4 JUDGE PEARSON: So we'll go ahead and  
 5 schedule that for February 25th at 1:30 p.m., right  
 6 back here in this hearing room, and I'll get a notice  
 7 out to that effect within the next couple of days.  
 8 And we have all of your service  
 9 information. So just so you know, the Commission  
 10 serves everything electronically, so you'll receive  
 11 electronic service of that notice --  
 12 MR. STIRBIS: Great. Thank you,  
 13 your Honor.  
 14 JUDGE PEARSON: -- with instructions. It  
 15 will contain detailed instructions about how to  
 16 prepare for the hearing, what to bring, when to file  
 17 documents in advance and things of that nature.  
 18 And hopefully, you'll have an opportunity  
 19 to speak with either Staff's counsel or Staff directly  
 20 and reach a resolution that we can possibly resolve  
 21 the matter on paper, if we can do so --  
 22 MR. STIRBIS: Oh, great.  
 23 JUDGE PEARSON: -- before that hearing  
 24 date. That's definitely a possibility.  
 25 MR. STIRBIS: Oh, fantastic. Thank you,

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1 Judge.  
 2 JUDGE PEARSON: Okay. All right. You are  
 3 free to go.  
 4 MR. HOXIT: Thank you, your Honor.  
 5 JUDGE PEARSON: Yes.  
 6 All right. Let's call the next docket,  
 7 that's TE-190842, Satwinder Singh, DBA Luxury1 Limo  
 8 LLC.  
 9 Mr. Singh, if you just want to take a seat  
 10 right there. Actually, you guys will remain standing.  
 11 I'll just swear you in right now.  
 12 MR. SINGH: Okay.  
 13 JUDGE PEARSON: Please raise your right  
 14 hand.  
 15 (Satwinder Singh sworn.)  
 16 JUDGE PEARSON: Okay. You may be seated.  
 17 So please spell your -- or state your  
 18 first and last name, and spell your last name for the  
 19 court reporter.  
 20 MR. SINGH: Satwinder Singh, last name  
 21 S-I-N-G-H.  
 22 JUDGE PEARSON: Okay.  
 23 And can you also give us your business  
 24 address?  
 25 MR. SINGH: That would be 32010 111th

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1 Court SE, Auburn, Washington 98092.  
 2 JUDGE PEARSON: Okay.  
 3 And what's your position with the company?  
 4 MR. SINGH: I'm the owner.  
 5 JUDGE PEARSON: You're the owner. Okay.  
 6 And do you understand the choices that I  
 7 explained earlier?  
 8 MR. SINGH: Yes, correct.  
 9 JUDGE PEARSON: Okay. And do you know how  
 10 you wish to proceed?  
 11 MR. SINGH: Yes.  
 12 JUDGE PEARSON: Okay.  
 13 MR. SINGH: I'd like to go with the option  
 14 A, but --  
 15 JUDGE PEARSON: Okay.  
 16 MR. SINGH: -- I also have -- also, I did  
 17 reapply for the permit as well, so I'd like to discuss  
 18 that with the team and see if we could reach a  
 19 resolution.  
 20 JUDGE PEARSON: Okay. That sounds good.  
 21 So when we take a break, you can talk with  
 22 Staff, like I explained, and see if you can sign an  
 23 agreed order. The order will say that you agree that  
 24 you were operating in the past without a certificate,  
 25 and that you advertised without a certificate, and you

Page 15

1 agree to stop operating until your application is  
 2 approved.  
 3 And once you feel comfortable that you  
 4 understand the order, you and Mr. Dotson will both  
 5 sign it, and it will include most likely an agreement  
 6 about the penalty amount, and possibly a payment plan  
 7 for that penalty amount. But if not, you can explain  
 8 why you believe the penalty should be different than  
 9 what Staff's recommending.  
 10 MR. SINGH: Sounds good.  
 11 JUDGE PEARSON: Okay. All right. Then  
 12 you may go ahead and take a seat.  
 13 I'll call up the final docket, and then  
 14 we'll take a recess so that you all can meet with  
 15 Staff.  
 16 MR. SINGH: Thank you.  
 17 JUDGE PEARSON: Okay.  
 18 Docket TE-190822, Nick Alexander Konopik.  
 19 MR. KONOPIK: Yep.  
 20 JUDGE PEARSON: Okay. DBA Nicholas  
 21 Konopik and Kraken Tours?  
 22 MR. KONOPIK: Yep.  
 23 JUDGE PEARSON: Okay. I know what a  
 24 kraken is. I should know how to say it.  
 25 MR. KONOPIK: That makes sense.

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1 JUDGE PEARSON: So if you could just stay  
 2 standing and raise your right hand.  
 3 (Nicholas Konopik sworn.)  
 4 JUDGE PEARSON: Okay. Go ahead and be  
 5 seated.  
 6 All right. So please also state your  
 7 first and last name, and spell your last name for the  
 8 court reporter.  
 9 MR. KONOPIK: Nicholas Konopik, K-O-N-O-P,  
 10 as in Peter, I-K.  
 11 JUDGE PEARSON: Okay. And your business  
 12 address?  
 13 MR. KONOPIK: 840 SE Fourth Avenue, Oak  
 14 Harbor, Washington 98277.  
 15 JUDGE PEARSON: Okay. And what's your  
 16 position with the company?  
 17 MR. KONOPIK: I'm the owner.  
 18 JUDGE PEARSON: Okay. And do you  
 19 understand the choices I explained earlier?  
 20 MR. KONOPIK: I do and I don't at the same  
 21 time, because I was never -- I never received a  
 22 letter --  
 23 JUDGE PEARSON: Okay.  
 24 MR. KONOPIK: -- stating this. So I guess  
 25 I'd been kind of ran through about ten months of not

Page 17

1 knowing anything --

2 JUDGE PEARSON: Okay.

3 MR. KONOPIK: -- and I never got -- I just

4 simply never got a letter. So this is the very first

5 I was hearing of it when somebody knocked on my door

6 to serve me.

7 JUDGE PEARSON: Okay.

8 MR. KONOPIK: So that's -- I can't imagine

9 spending \$20,000 a year in insurance and not paying a

10 \$200 fee for a permit, so I guess I'm not really sure

11 where to go.

12 JUDGE PEARSON: Okay.

13 MR. KONOPIK: Whether or not I need to

14 bring in legal counsel just -- it's almost

15 flabbergasting to me --

16 JUDGE PEARSON: Sure.

17 MR. KONOPIK: -- to be, you know, ten

18 months of fake emails being sent, you know, requesting

19 tours, all of these things, and pictures and

20 downloading, when simply I didn't receive a certified

21 letter, or I could have gotten a phone call as opposed

22 to a fake email trying to set me up, saying,

23 Mr. Konopik, you owe a permit fee. I would have said,

24 oh, check our card. Can I drive it down to Lacey and

25 pay for it? Not a problem.

Page 18

1 JUDGE PEARSON: Sure.

2 MR. KONOPIK: So that's what I mean where

3 I'm kind of stuck in the --

4 JUDGE PEARSON: Well, it sounds to me like

5 you would probably benefit from chatting with Staff at

6 the break --

7 MR. KONOPIK: Okay.

8 JUDGE PEARSON: -- as opposed to making a

9 decision now --

10 MR. KONOPIK: Wonderful.

11 JUDGE PEARSON: -- so that you can have an

12 opportunity to give them your side of the story --

13 MR. KONOPIK: Perfect.

14 JUDGE PEARSON: -- you know, hear from

15 them what our -- what our common processes are, and,

16 you know, what may have happened there.

17 I do believe that a cease and desist

18 letter was sent to you, whether or not you received

19 it. That's something that you can discuss with

20 them --

21 MR. KONOPIK: Okay.

22 JUDGE PEARSON: -- and then hopefully you

23 can come to some sort of agreement. But it does sound

24 like, at this point, it wouldn't be -- it wouldn't be

25 beneficial for you to try to make a decision right

Page 19

1 now.

2 MR. KONOPIK: Yes.

3 JUDGE PEARSON: And that's just fine.

4 MR. KONOPIK: Okay.

5 JUDGE PEARSON: Okay. So do you have any

6 other questions for me before we go off the record?

7 MR. KONOPIK: No, ma'am.

8 JUDGE PEARSON: Okay.

9 So at this point, we're going to take a

10 break now at approximately 9:23 a.m. Each of you can

11 meet with Staff to see if you can come to an

12 agreement.

13 The recommended penalty may be small or

14 there may be a reason that Staff asks for a larger

15 penalty. That typically only happens if you've been

16 in front of a judge here before, or if you've

17 previously held a certificate with the Commission that

18 was canceled.

19 Usually part of the penalty is suspended,

20 which means that you won't have to pay it unless you

21 break the law again. So you would pay the unsuspended

22 part of the penalty today, which is typically a very

23 small fraction of the total penalty, and you would

24 only have to pay the much larger remainder of the

25 penalty if you violated the order.

Page 20

1 So after you have a chance to meet with

2 Staff, I will call each of you back up. If you have

3 signed an agreed order, I will confirm that you

4 understand the order, I will sign it, and then you

5 will each leave with a copy of it today.

6 So Mr. Dotson, do you have anything

7 further?

8 MR. DOTSON: I do not, your Honor.

9 JUDGE PEARSON: Okay.

10 So we will be in recess, and I will be in

11 my office, so please let me know when I need to come

12 back. And thank you all for coming down today.

13 (A break was taken from

14 9:24 to 10:19 a.m.)

15 JUDGE PEARSON: Okay. Let's be back on

16 the record, and it is approximately 10:20 a.m.

17 I understand that Staff was able to reach

18 agreed cease and desist orders with each company, so I

19 will call you back up one at a time in the order that

20 we went before.

21 So Mr. Singh, if you could come forward.

22 Go ahead and take a seat.

23 So did you have a chance to read the whole

24 order, and do you feel comfortable that you understand

25 its contents?

Page 21

1 MR. SINGH: Yes.  
 2 JUDGE PEARSON: Okay.  
 3 And it looks like you and Staff have both  
 4 signed it.  
 5 There are two violations in this case, one  
 6 for offering charter and excursion services and one  
 7 for advertising. Looks like a \$10,000 penalty will be  
 8 imposed, a \$9,000 portion of that will be suspended,  
 9 and the company will pay a \$1,000 penalty; is that  
 10 correct?  
 11 MR. SINGH: Yes.  
 12 JUDGE PEARSON: Okay.  
 13 And for the record, you are agreeing to  
 14 shut down operations until you get a certificate from  
 15 the Commission?  
 16 MR. SINGH: Yes.  
 17 JUDGE PEARSON: Okay.  
 18 So the \$9,000 is suspended for two years  
 19 from today's date, which is December 10th, 2021. So  
 20 that means that if Staff finds an advertisement, or if  
 21 you offer charter or excursion services during that  
 22 time, you will have to pay the \$9,000 penalty.  
 23 And you understand that.  
 24 MR. SINGH: Yes.  
 25 JUDGE PEARSON: Okay. Also, the order to

Page 22

1 cease and desist is permanent, so it never expires.  
 2 So if Staff discovers you're still operating even  
 3 after two years, Staff can go straight to Superior  
 4 Court and ask for a much higher penalty, so it's very  
 5 important that you follow the law.  
 6 And I see that there's a payment schedule  
 7 for the \$1,000 penalty. It looks like you made, or  
 8 are going to make a \$400 payment today; is that  
 9 correct?  
 10 MR. SINGH: Yes.  
 11 JUDGE PEARSON: Followed by a \$300 payment  
 12 on January 10th, and a \$300 payment on February 10th?  
 13 MR. SINGH: Yes, that's correct.  
 14 JUDGE PEARSON: Okay. And you do  
 15 understand, if you miss a payment, you'll have to pay  
 16 the entire penalty amount, including the \$9,000  
 17 suspended portion?  
 18 MR. SINGH: Yes.  
 19 JUDGE PEARSON: Okay. So if for some  
 20 reason you're going to be late making a payment, you  
 21 need to contact Staff and make arrangements so that  
 22 you don't have to make that -- end up paying the whole  
 23 penalty. So it's just crucial to have those  
 24 communications if something comes up to avoid having  
 25 the imposition of that much larger penalty.

Page 23

1 So do you also understand legally what you  
 2 can and can't do without a certificate?  
 3 MR. SINGH: Yes.  
 4 JUDGE PEARSON: Okay.  
 5 And remember that Commission Staff is  
 6 always available to assist you if you have questions.  
 7 Okay.  
 8 Do you have any additional questions for  
 9 me?  
 10 MR. SINGH: Nope.  
 11 JUDGE PEARSON: Okay. So I will go ahead  
 12 and sign this order and pass it back to Mr. Dotson.  
 13 They're going to make a copy for you. I think you can  
 14 follow Mr. Hoxit out; is that correct? Okay. He will  
 15 get a copy for you and then you're free to go.  
 16 MR. SINGH: Thank you.  
 17 JUDGE PEARSON: Thank you so much for  
 18 coming today.  
 19 All right. Mr. Konopik, you can come back  
 20 up, please. I'm just going to ask you the same  
 21 questions.  
 22 MR. KONOPIK: Sounds perfect.  
 23 JUDGE PEARSON: Okay. So did you have a  
 24 chance to read the whole order and do you feel  
 25 comfortable that you understand all of its contents?

Page 24

1 MR. KONOPIK: Yes. The only question is,  
 2 once the permit comes through, I'm able to start back  
 3 up, correct?  
 4 JUDGE PEARSON: That's correct. As soon  
 5 as your certificate is approved, you can begin  
 6 operations.  
 7 MR. KONOPIK: Absolutely.  
 8 JUDGE PEARSON: Okay. So you and Staff  
 9 have both signed the order.  
 10 As with the other case, there are two  
 11 violations here, one for offering charter and  
 12 excursion services and one for advertising.  
 13 It looks like a \$10,000 penalty will be  
 14 imposed, a \$9,500 portion of which will be suspended,  
 15 and the company will pay a \$500 penalty; is that  
 16 correct?  
 17 MR. KONOPIK: Yes, ma'am.  
 18 JUDGE PEARSON: Okay. And for the record,  
 19 you are agreeing to cease all operations until your  
 20 application is --  
 21 MR. KONOPIK: Yes.  
 22 JUDGE PEARSON: -- is approved? Okay.  
 23 Thank you.  
 24 So the \$9,500 penalty, just as I told the  
 25 other gentleman, is suspended for two years from

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1 today's date, which is December 10th, 2021. So like  
 2 you heard me say to him, if Staff finds any  
 3 advertisement or that you've been offering these  
 4 services, if for some reason your certificate gets  
 5 cancelled in the interim, then you will be required to  
 6 pay that \$9,500 penalty. And, again, the order to  
 7 cease and desist is permanent, so it's important that  
 8 you maintain your --  
 9 MR. KONOPIK: Until my permit comes in.  
 10 JUDGE PEARSON: Correct. But if at any  
 11 point in time, you lose your permit, the cease and  
 12 desist order still applies.  
 13 MR. KONOPIK: Okay.  
 14 JUDGE PEARSON: Okay. And let's see.  
 15 There's a payment plan for the \$500  
 16 penalty. It looks like you've agreed to pay \$250 on  
 17 the 15th of January, followed by a second \$250 payment  
 18 on February 17th --  
 19 MR. KONOPIK: Yes.  
 20 JUDGE PEARSON: -- correct? Okay.  
 21 And also, like I said to Mr. Singh, if you  
 22 think that you're going to have a late payment, reach  
 23 out to Staff so you can avoid the imposition of that  
 24 much larger penalty.  
 25 Do you have any other questions?

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1 MR. KONOPIK: No, ma'am.  
 2 JUDGE PEARSON: Okay. So I will go ahead  
 3 and sign the order. And, again, once you receive your  
 4 copy, you are free to go.  
 5 MR. KONOPIK: Wonderful. Thank you.  
 6 JUDGE PEARSON: And thank you so much for  
 7 coming down today.  
 8 And Mr. Dotson, I'll just ask you briefly  
 9 if there's anything else that we need to address  
 10 before we adjourn today.  
 11 MR. DOTSON: There is not. Thank you,  
 12 your Honor.  
 13 JUDGE PEARSON: Okay. Then we are  
 14 adjourned. Thank you so much.  
 15 (Adjourned at 10:24 a.m.)  
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1 CERTIFICATE  
 2  
 3 STATE OF WASHINGTON )  
 4 ) ss. )  
 5 COUNTY OF KING )  
 6  
 7 I, ANITA W. SELF, a Certified Shorthand  
 8 Reporter in and for the State of Washington, do  
 9 hereby certify that the foregoing transcript is true  
 10 and accurate to the best of my knowledge, skill and  
 11 ability.  
 12 IN WITNESS WHEREOF, I have hereunto set my hand  
 13 and seal this 18th day of December 2019.  
 14  
 15  
 16  
 17  
 18 ANITA W. SELF, RPR, CCR #3032  
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