

**Docket No. TV-200473 - Vol. I**

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

**February 19, 2021**



**206.287.9066 | 800.846.6989**

1325 Fourth Avenue, Suite 1840, Seattle, Washington 98101

[www.buellrealtime.com](http://www.buellrealtime.com)

email: [info@buellrealtime.com](mailto:info@buellrealtime.com)



BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION

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In the Matter of Determining ) DOCKET TV-200473  
the Proper Carrier Classification )  
of, and Complaint for Penalties )  
against: )  
) )  
) )  
ROBERTO YAM YWAMOTO d/b/a REAL )  
PRO MOVING )  
)

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VIRTUAL MOVERS COURT HEARING, VOLUME I

Pages 1-20

ADMINISTRATIVE LAW JUDGE SAMANTHA DOYLE

February 19, 2021

10:40 a.m.

Washington Utilities and Transportation Commission  
621 Woodland Square Loop Southeast  
Lacey, Washington 98503

REPORTED BY: TAYLER GARLINGHOUSE, CCR 3358

Buell Realtime Reporting, LLC  
1325 Fourth Avenue, Suite 1840  
Seattle, Washington 98101  
(206) 287-9066 | Seattle  
(360) 534-9066 | Olympia  
(800) 846-6989 | National

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A P P E A R A N C E S

ADMINISTRATIVE LAW JUDGE:

SAMANTHA DOYLE

FOR COMMISSION STAFF:

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

FOR THE CARRIER:

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

ALSO PRESENT:

Wafa RAHAL  
Spanish Interpreter

(All participants appeared via videoconference.)

\* \* \* \* \*

1 LACEY, WASHINGTON; FEBRUARY 19, 2021

2 10:40 A.M.

3 --o0o--

4 P R O C E E D I N G S

5

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

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

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

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

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

21 JUDGE DOYLE: Okay. Thank you.

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

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

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

5 (Pause in the proceedings.)

6 (Interpreter present.)

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

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

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

17 THE INTERPRETER: Should I translate it?

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

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

22 JUDGE DOYLE: Thank you.

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

1 email, please?

2 THE INTERPRETER: Do you want him to spell  
3 the name of company, right?

4 JUDGE DOYLE: His -- his name, his name and  
5 the company's address and phone number and email  
6 address.

7 MR. YWAMOTO: (Through interpreter) My name  
8 is Roberto, R-o-b-e-r-t-o, and my last name is  
9 Y-w-a-m-o-t-o. My company address 6707 - 196th Street  
10 Southwest, Apartment 405, Lynnwood, and the ZIP code is  
11 98036.

12 JUDGE DOYLE: Thank you. You're here  
13 because the Commission has information that your company  
14 is or was operating or advertising as a household goods  
15 carrier without a permit.

16 THE INTERPRETER: Can you repeat for me?

17 JUDGE DOYLE: Yes. You're here because the  
18 Commission has information that your company is or was  
19 operating or advertising as a household goods carrier  
20 without a permit. Operating as a household goods mover  
21 without the required permit is illegal and subject to a  
22 penalty of up to \$5,000 per violation. If you are found  
23 to have engaged in business as a household goods mover  
24 without a permit, the Commission can order you to cease  
25 and desist operating and impose a penalty.

1           The Commission has initiated an enforcement  
2           action against you and your business. At this  
3           preliminary hearing, I'm going to ask you to choose your  
4           proceed -- how to proceed. You have two options.

5           Option A is to agree to cease and desist  
6           operating as an unpermitted household goods carrier.

7           THE INTERPRETER: Agree to cease?

8           JUDGE DOYLE: Agree to cease and desist  
9           operating as an unpermitted household goods carrier. If  
10          you choose this option, you must agree to stop  
11          providing, offering, and advertising unpermitted  
12          household goods services unless or until you receive a  
13          household goods permit from the Commission.

14          You will need to show what you have done to  
15          shut down your business either completely or partially.  
16          I am going to want to see proof that you are no longer  
17          operating or advertising. For example, you will need to  
18          prove that you have taken down or changed your website  
19          or other online advertisements for your business. If  
20          you have obtained or applied for a permit in advance of  
21          this hearing, please let me know and -- when I call on  
22          you.

23          THE INTERPRETER: What, I'm sorry?

24          JUDGE DOYLE: Saying that if he's obtained  
25          or applied for a permit before the hearing for him to

1 please let me know when I call on him in a little bit.

2 If you have obtained your permit, you can  
3 continue to operate your business so long as you are  
4 permitted.

5 Second option, option B, is to ask for a  
6 classification hearing. You would choose option B if  
7 you believe you were operating legally and that your  
8 business is not subject to regulations by the  
9 Commission. In other words, you are denying that you  
10 offer or advertise unpermitted household goods carrier  
11 services.

12 If you choose this option, we will schedule  
13 a formal evidentiary hearing where you will be required  
14 to present proof that your business is not within the  
15 regulatory jurisdiction of the Commission. A hearing  
16 will be set in the next month or so with a deadline a  
17 week before the hearing for both you and Commission  
18 Staff to list your witnesses and file exhibits.

19 Robert Hartford will be speaking for  
20 Commission Staff this morning. If you have not already  
21 met him, Mr. Hartford is on the line and introduced  
22 himself. He is a compliance investigator at the  
23 Commission.

24 Now that we've gone -- oh, sorry. Pardon  
25 me.



1 THE INTERPRETER: That's okay. Can you  
2 repeat it for me, please?

3 JUDGE DOYLE: Yeah. Robert Hartford is  
4 speaking for Commission Staff this morning. He is a  
5 compliance investigator with the Commission.

6 Now that we've gone over your choices, I  
7 will explain what else will happen today. In a few  
8 minutes, I will call on you to make your choice. At  
9 that time, I will swear you in so that anything you tell  
10 me will be considered sworn testimony made under penalty  
11 of perjury.

12 THE INTERPRETER: Can you repeat, please?

13 JUDGE DOYLE: No problem.

14 THE INTERPRETER: It's hard to hear.

15 JUDGE DOYLE: No problem. In a few minutes,  
16 I will call on you to make your choice. At that time, I  
17 will swear you in so anything you tell me will be  
18 considered sworn testimony made under penalty of  
19 perjury.

20 Once you are sworn in, I will ask you if you  
21 understand your choices for today's hearing and then ask  
22 you to state your choice. If there is anything else you  
23 want to explain to me, you will have the chance to do  
24 that then.

25 If you choose option A, you will need to

1 testify about how you plan to comply with the law either  
2 by becoming a permitted business or shutting down your  
3 unpermitted business. Depending on what proof you can  
4 provide, you may be given an opportunity to meet with  
5 Staff during the break in the hearing -- break in the  
6 hearing to negotiate an order to resolve this matter.  
7 The agreed order will also deal with the penalty.

8           You were served with a complaint that asked  
9 the Commission to penalize you for engaging in business  
10 as a household goods carrier without a permit. The law  
11 sets the maximum penalty for each violation at \$5,000.  
12 Staff will recommend a penalty and you will have a  
13 chance to reach an agreement with Staff about the  
14 penalty amount.

15           If you are unable to agree, Staff will  
16 explain its recommendation, but the Commission will make  
17 the final decision about the penalty amount.

18           If you choose option B -- if you choose  
19 option B, that is you deny you are operating as a  
20 household goods mover, we will schedule another hearing.  
21 In that case, it will help if you know your schedule for  
22 the next month or so so we can set a hearing date.

23           I will now swear in both Staff and the  
24 company. I will start with Commission Staff.

25           THE INTERPRETER: Are you going to talk to

1 both?

2 JUDGE DOYLE: Yes, I am going to swear in  
3 Staff and then I will give the company an opportunity to  
4 swear in as well.

5 Mr. Hartford, I will swear you in now.

6 (Robert Hartford sworn.)

7 JUDGE DOYLE: Thank you.

8 And now for the company, Mr. Ywamoto, I will  
9 swear you in as well.

10 (Roberto Ywamoto sworn.)

11 JUDGE DOYLE: What is your position with the  
12 company? Sorry, can you repeat your answer?

13 MR. YWAMOTO: (Through interpreter) I am the  
14 owner.

15 JUDGE DOYLE: Thank you. And do you  
16 understand your options here today?

17 MR. YWAMOTO: (Through interpreter) Option  
18 A -- option A meaning that I have to pay a penalty?

19 JUDGE DOYLE: Option A means that he's  
20 agreed that he operated without a permit and a penalty  
21 would be negotiated. That could include potentially  
22 suspending a portion or a payment plan portion that  
23 would be paid -- that would be negotiated with Staff at  
24 a break.

25 THE INTERPRETER: Okay he said.

1 JUDGE DOYLE: Okay. And then option B is  
2 that he's contesting the allegations against him. Is  
3 that clear as well?

4 MR. YWAMOTO: (Through interpreter) Okay.

5 JUDGE DOYLE: And then does he know which  
6 option he would like to choose or have any further  
7 questions? Sorry, can you repeat?

8 MR. YWAMOTO: (Through interpreter) I don't  
9 know what options I will choose.

10 JUDGE DOYLE: Okay. Option A is admitting  
11 that you are operating as a household goods carrier  
12 without a permit and you can negotiate with Staff.  
13 Option B is that you're contesting the allegations.  
14 Which do you choose today?

15 And we can take a break and he can talk with  
16 staff if he's unsure. He doesn't have to choose this  
17 moment. So we can take a break right now and Staff can  
18 notify me -- and Staff will notify me when to return.

19 MR. YWAMOTO: (Through interpreter) Okay.  
20 Well, I don't have any thought because I mean, the  
21 company, it is just me and while I understand the  
22 options, I don't know what -- what to choose because in  
23 option A, I haven't been operating. I was just  
24 operating partially.

25 JUDGE DOYLE: Okay. Okay. I am going to

1 pause and allow him to talk to Staff. The court  
2 reporter and I will -- are going to leave. As the  
3 interpreter, will you please stay and help him negotiate  
4 and help with this task? I want him to have the  
5 opportunity to understand his situation before he puts  
6 anything else on the record. And I'm going to be  
7 leaving right now as well as the court reporter. So we  
8 are taking a recess and -- at now 11:14, and we will  
9 return when Staff messages me that you've had an  
10 opportunity to discuss the situation. Thank you.

11 (A break was taken from

12 11:14 a.m. to 12:04 p.m.)

13 JUDGE DOYLE: Let's be back on record. It  
14 is approximately 12:05. And have the parties reached an  
15 agreement that includes the stipulation that the  
16 violations occurred and an agreed penalty amount as  
17 well?

18 MR. HARTFORD: Yes, Your Honor, we have.

19 JUDGE DOYLE: And did you want to interpret  
20 that for him?

21 MR. YWAMOTO: (Through interpreter) Yes, I  
22 think so.

23 JUDGE DOYLE: Great. Thank you.

24 Mr. Hartford, will you please summarize the  
25 agreed penalty amount or plan?

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

8 JUDGE DOYLE: Thank you. And --

9 THE INTERPRETER: I'm sorry. Want me to  
10 translate it?

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

12 MR. YWAMOTO: (Through interpreter) Okay.

13 JUDGE DOYLE: Okay. Great.

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

16 MR. YWAMOTO: (Through interpreter) Yes.

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

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

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

1 MR. YWAMOTO: (Through interpreter) Yes.

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

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

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

10 THE INTERPRETER: Labor, I think.

11 JUDGE DOYLE: Thank you.

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

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

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

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

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

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

9 JUDGE DOYLE: Okay.

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

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

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



1 competence...

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

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

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

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

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

1 Would that work for him?

2 MR. YWAMOTO: (Through interpreter) Okay.

3 JUDGE DOYLE: Mr. Hartford, are you  
4 available to stay on the line after this to talk in more  
5 detail?

6 MR. HARTFORD: I am, your Honor.

7 JUDGE DOYLE: Okay. Great. Thank you.

8 So moving forward to clarify, if you are  
9 found to be operating as a mover, again, even after the  
10 two years, Staff could go straight to superior court and  
11 ask for much higher penalties, so it is important that  
12 you follow the law.

13 MR. YWAMOTO: (Through interpreter) Okay.

14 JUDGE DOYLE: And you understand that if you  
15 miss a payment, you will have the entire amount  
16 including the \$4,500 suspended penalty due? So it's  
17 important if you're going to have a late payment, that  
18 you contact Staff and make arrangements so you don't end  
19 up having to pay the whole penalty.

20 MR. YWAMOTO: (Through interpreter) Now I  
21 am -- I'm not able to pay now because I have the problem  
22 I told you. And now I don't have much work and I have a  
23 big family and all that stuff. But I would like to ask  
24 Staff if he could reduce me a little more the penalty if  
25 it's possible.

1 JUDGE DOYLE: Thank you for waiting. Given  
2 the current economic situation and the situation of the  
3 company, I'm willing to suspend the remaining \$500 with  
4 the understanding that it will all become due if he was  
5 to find that he was operating again without a permit.

6 MR. YWAMOTO: (Through interpreter) Okay.  
7 Thank you very much. Now I have money to buy a truck  
8 and to make my papers. Thank you very much.

9 JUDGE DOYLE: Thank you. And to clarify,  
10 the entire 5,000 penalty will be suspended two years and  
11 no money is due now unless he breaks the law again. I  
12 will issue an order reflecting that -- that change and  
13 Staff will stay on the line to discuss and clarify what  
14 he can do after this call is ended.

15 MR. YWAMOTO: (Through interpreter) Okay.  
16 Yes, I would like to talk to Staff after the call  
17 because -- to see how I can move on with my work.

18 JUDGE DOYLE: And if you ever have any  
19 questions in the future, call Staff as well.

20 MR. YWAMOTO: (Through interpreter) Okay.

21 JUDGE DOYLE: Okay. So with that, we will  
22 adjourn this hearing. Thank you everyone for coming.  
23 Everyone but Staff and the interpreter is going to hang  
24 up and you can discuss your obligations going forward.  
25 Thank you again.

(Adjourned at 12:26 p.m.)

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C E R T I F I C A T E

STATE OF WASHINGTON  
COUNTY OF THURSTON

I, Tayler Garlinghouse, a Certified Shorthand Reporter in and for the State of Washington, do hereby certify that the foregoing transcript is true and accurate to the best of my knowledge, skill and ability.



Tayler Garlinghouse  
Tayler Garlinghouse, CCR 3358