

BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

In Re: Application of:)
)
BELL'S RELIABLE MOVING.) No. TV-160264
)

Brief Adjudicative Proceeding Held Before
RAYNE PEARSON
Administrative Law Judge
Volume I
Pages 1 - 35

9:30 a.m. - 10:15 a.m.
June 2, 2016
1300 South Evergreen Park Drive S.W., Room 206
Olympia, Washington

Mary M. Paradise, CSR 2469

A P P E A R A N C E S

RAYNE PEARSON, Administrative Law Judge

FOR BELL'S RELIABLE MOVING:

RICHARD R. BELL

LAURA BELL

2011 South Pierce

Spokane, Washington 99206

FOR WASHINGTON UTILITIES AND TRANSPORTATION

COMMISSION:

BRETT P. SHEARER

Assistant Attorney General, UTC Division

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E X A M I N A T I O N I N D E X

WITNESS	DIRECT	CROSS	REDIRECT
Richard Bell	8	9, 18	
Suzanne Stillwell	20	29	

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

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1 OLYMPIA, WASHINGTON; JUNE 2, 2016

2 9:30 a.m.

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5
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.

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

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

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,

Testimony of RICHARD BELL

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.

Testimony of RICHARD BELL

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.

EXAMINATION

20
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**

Testimony of RICHARD BELL

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,

Testimony of RICHARD BELL

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.

Testimony of RICHARD BELL

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.

Testimony of RICHARD BELL

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.

Testimony of RICHARD BELL

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

Testimony of RICHARD BELL

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

Testimony of RICHARD BELL

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

Testimony of RICHARD BELL

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.

Testimony of RICHARD BELL

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

Testimony of RICHARD BELL

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?

Testimony of SUZANNE STILLWELL

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.

DIRECT EXAMINATION

10
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

Testimony of SUZANNE STILLWELL

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

Testimony of SUZANNE STILLWELL

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

Testimony of SUZANNE STILLWELL

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.

Testimony of SUZANNE STILLWELL

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

Testimony of SUZANNE STILLWELL

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

Testimony of SUZANNE STILLWELL

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?

Testimony of SUZANNE STILLWELL

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

Testimony of SUZANNE STILLWELL

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,

Testimony of SUZANNE STILLWELL

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.

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

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?

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.

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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LAURA BELL: Thank you.
JUDGE PEARSON: We will be off the record.
(The hearing concluded at 10:15 a.m.)

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C E R T I F I C A T E

STATE OF WASHINGTON
COUNTY OF KING

I, Mary M. Paradise, a Certified Shorthand Reporter in and for the State of Washington, do hereby certify that the foregoing brief adjudicative proceeding before Administrative Law Judge Rayne Pearson on June 2, 2016, is true and accurate to the best of my knowledge, skill and ability.

IN WITNESS WHEREOF, I have hereunto set my hand this 10th day of June, 2016.

MARY M. PARADISE, CSR