## Docket No. TV-180214 - Vol. I

## In the Matter of Dmitriy Satir d/b/a PNW Moving and Delivery LLC

## April 11, 2018

### 206.287.9066 | 800.846.6989

## .

## BEFORE THE WASHINGTON

UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of Determining ) DOCKET NO. TV-180214
the Proper Carrier Classification ) VOLUME I
of, and Complaint for Penalties ) Against:

DMITRIY SATIR )
d/b/a PNW MOVING AND DELIVERY LLC )

> MOVER'S COURT
> Pages $1-26$
> ADMINISTRATIVE LAW JUDGE LAURA CHARTOFF

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\text { April 11, } 2018 \\
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Washington Utilities and Transportation Commission 1300 South Evergreen Park Drive SW Olympia, Washington 98504

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 OLYMPIA, WASHINGTON; APRIL 11, 2018 9:00 A.M.
--○00-PROCEEDINGS

JUDGE CHARTOFF: Let's be on the record. Good morning. My name is Laura Chartoff. I'm an administrative law judge with the Washington Utilities and Transportation Commission. I am the presiding Officer for today's hearing being conducted at the Commission's headquarters in Olympia.

Today is Wednesday, April 11th, 2018, and the time is approximately 9:00 a.m. Today's hearing involves a total of three household goods carriers, so the first thing we'll do is take a roll call to determine which companies are present. As you can see, there's a court reporter creating a record of today's proceedings, so when $I$ call your name, please raise your hand to identify yourself and also give a verbal response to the roll call like "here" or "present." So the first docket is TV-180206, Warren Harris, doing business as Done Right Moving and Labor. MR. HARRIS: Present. JUDGE CHARTOFF: Thank you. TV-180207, Emmanuel Samuels and Alex

## Page 4

1 Samuels, doing business as Samuels Brothers, LLC.

MR. SAMUELS: Present.
JUDGE CHARTOFF: Thank you.
And TV-180214, Dmitriy Satir, doing business as Pacific North -- PNW Moving and Delivery LLC.

MR. SATIR: Here.
JUDGE CHARTOFF: Thank you.
Okay. So each of you are here because the Commission filed a complaint alleging that each of your companies is performing or advertising to perform work as a household goods carrier without the required permit. The purpose of today's proceeding is to formally explain what your choices are and then hear from each of you regarding which option you wish to pursue.

You can choose one of two options on behalf of your company. The first option is to cease and desist providing, offering, or advertising unpermitted household goods services. So if you choose this option, you will need to demonstrate what you have done to shut down your business either completely or partially to avoid further enforcement action by the Commission. The Commission is going to want to see sufficient proof that you are no longer performing unlawful services. For example, you will need to provide proof that you have

1 taken down or changed your website or other online 2 advertisements for your business.

## Page 6

1 else you want to explain to me, you can do so at this 2 time. we will take a break to provide Commission Staff time to

1 meet with each of you and prepare a final disposition 2 for your case.

Mr. Braun, $I$ will swear you in at this point so you are sworn in for the entire proceeding.
(Brian Braun sworn.)
JUDGE CHARTOFF: Thank you.
Okay. So I will call the companies up one by one. So the first is Warren Harris, doing business as Done Right Moving and Labor.

Will you please step forward and take a seat. Oh, I can swear you in.
(Warren Harris sworn.)
JUDGE CHARTOFF: Thank you. Is that on?
MR. HARRIS: I believe so.
JUDGE CHARTOFF: Okay. Can you please state your first and last name for the record and spell your last name for the court reporter?

MR. HARRIS: Warren Harris, H-a-r-r-i-s, Harris.

JUDGE CHARTOFF: And what is your relationship to the company?

MR. HARRIS: I'm the owner.
JUDGE CHARTOFF: And how do you want to proceed this morning?

MR. HARRIS: I would like to proceed -- I

## Page 8

1 would like to apply for the proper permit -- oh, here it 2 goes. But I have -- I have ceased to all my operations, 3 I've taken off all my ads, I've got my websites down, 4 everything's been dissolved. So I haven't been

5 practicing moving or household goods, so I'm looking to 6 apply to get the proper permit is what I'm trying to get 7 at.

> MR. HARRIS: Yes, ma'am.

JUDGE CHARTOFF: And once you are satisfied that you understand all the terms of the order, you and

1 Mr. Braun will both sign it. It will also include most
2 likely an agreement about the penalty to be imposed, but if not, you can make your case about why the penalty should be different than what Staff is recommending. MR. HARRIS: Okay. JUDGE CHARTOFF: Okay. Are there any other questions about this case? MR. HARRIS: Not from me. MR. BRAUN: None from me, Your Honor. JUDGE CHARTOFF: Okay. Please return to your seat and wait to speak with Staff at the recess. MR. HARRIS: Thank you, ma'am. JUDGE CHARTOFF: Thank you. Okay. So I will call the next case. Emmanuel Samuels and Alex Samuels, doing business as Samuels Brothers, LLC.

I can swear you in.
(Emmanuel Samuels and Alexander Samuels sworn.)

JUDGE CHARTOFF: So I'll need you each to -why don't we start with you. Please state your first and last name for the record.

MR. SAMUELS: My name is Emmanuel Samuels.
Last name Samuels, $S-a-m-u-e-l-s$.
JUDGE CHARTOFF: And you're --

Page 10

MR. SAMUELS: The owner.
JUDGE CHARTOFF: The owner.
And you are?
MR. SAMUELS: Alexander Samuels, S-a-m-u-e-l-s.

JUDGE CHARTOFF: And you are also --
MR. SAMUELS: Brother.
JUDGE CHARTOFF: Brother. And owner?
MR. SAMUELS: No, brother.
JUDGE CHARTOFF: And how do you want to proceed this morning?

MR. SAMUELS: Well, since $I$ was notified, to keep it completely honest with you, I was not knowledgeable of things I had to do, but I've been doing my research, and I've already applied for the DOT. I have that. I got in contact with the insurance broker, and I was -- I guess that's what I needed to get the permit is what $I$ read online. So I was just waiting to pay for the insurance so I could apply. I want to get everything straight.

JUDGE CHARTOFF: Okay. So you are going to apply for a permit?

MR. SAMUELS: Uh-huh.
JUDGE CHARTOFF: Okay. And do you want to pursue a cease and desist order at this time?

MR. SAMUELS: Yeah.
JUDGE CHARTOFF: Okay. And I assume you would not object to that?

MR. BRAUN: Correct, Your Honor.
JUDGE CHARTOFF: Okay. Okay. So when we take a recess, I'll -- I said this earlier, but I will repeat it so I don't skip anything. You will have the opportunity to speak with Staff to see if you can agree on an order, and that order will say you are operating without a permit, that you advertised without a permit, and that you agree to stop operating until you get a permit.

MR. SAMUELS: Uh-huh.
JUDGE CHARTOFF: And once you are satisfied and understand all the terms of the order, you and Mr. Braun will both sign it, and it will include most likely an agreement in the amount of the penalty to be imposed. But if not, you can make your case about why the penalty should be different than what Staff is recommending.

MR. SAMUELS: Okay.
JUDGE CHARTOFF: Are there any questions?
MR. SAMUELS: No.
JUDGE CHARTOFF: Okay. So please return to your seat and wait to speak with Staff at the recess.

Page 12
1 Thank you.

Okay. So the last company is Dmitriy Satir, doing business as Pacific Northwest Moving and Delivery LLC.

Please step forward.
(Dmitriy Satir sworn.)
JUDGE CHARTOFF: Thank you. You may be seated. So please state your first and last name for the record.

MR. SATIR: Dmitriy Satir.
JUDGE CHARTOFF: And --
MR. SATIR: Last name is $S-a-t-i-r$.
JUDGE CHARTOFF: And your relationship to the company?

MR. SATIR: Owner.
JUDGE CHARTOFF: So how do you want to proceed this morning?

MR. SATIR: So I want to kind of get a second thought on how to do it, because there's no third option kind of -- so I did have insurance for that time, and I have proof of -- copies of the proof. So I need to -- I didn't file it correctly because kind of just happened that my wedding was -- and I was first year marriage. So I didn't file it, and I moved away from my parents, but all the mail was going there. And I was --

1 I did get the letter that I needed to update the
2 information for insurance, but $I$ did not act on it, and 3 that's my fault for that.

## Page 14

MR. BRAUN: That's my understanding. He can talk with licensing with the new insurance verification to get his permit reinstalled. I think there's an application for that as well.

JUDGE CHARTOFF: So yeah, I guess your option if you want to get your permit reinstated, you would need to agree to cease and desist your business activities until you get your permit.

MR. SATIR: I've already kind of paid for the next six months of insurance, and it's not cheap for us to get insurance. So is there any other option I can take?

MR. BRAUN: Judge, if I may.
The application process is pretty quick to turn around. I can show you. We can talk with licensing to help you get that done very quickly.

MR. SATIR: Okay. And I did not stop doing the advertisement because as you know, search engine, it takes a while to build up, and if $I$ took it down, it would take me about the same amount of time to get all the information up. And do I have to still cease and desist, take down the website as well even if it's quick or...

JUDGE CHARTOFF: Yes, yeah, if you choose the cease -- if you agree to cease and desist, you do

1 have to take down your advertising.

MR. SATIR: But I'm not necessarily -- I am left with no option here. I only have two options kind of thing, and none of them help me kind of to get past this. I understand that $I$ didn't file it correctly, but I have insurance and everything there in place.

MR. BRAUN: Judge, if I may.
Instead of -- an option that the Commission would be comfortable with is instead of actually taking everything down but modifying your website to say -because there are things you can do that are, say, labor only. It's the part of the truck driving over the public roads that the Commission then steps in and modifies and covers. But there are things you can do to your website to change it --

MR. SATIR: I can do that.
MR. BRAUN: You don't have to take down the whole website, but there are ways that we do not regulate that we can talk with to help your advertising.

MR. SATIR: Okay. That is the better option.

MR. BRAUN: If that's acceptable with the judge.

JUDGE CHARTOFF: I -- yes, yeah. So it sounds like -- what I'm going to suggest is at the

## Page 16

1 recess that you meet with Staff and see if you can get a 2 cease and desist order that you can both agree on. MR. SATIR: Okay. JUDGE CHARTOFF: Do you think that's workable?

MR. BRAUN: Absolutely, Judge.
JUDGE CHARTOFF: Okay. And then I will -after the recess, if you're not able to agree, then I -you know, we can -- I will call you all back up after the recess and we can deal with it at that time.

MR. SATIR: Okay.
JUDGE CHARTOFF: Okay. So you can return to your seat.

Okay. So at this point, we're going to take a recess, and as soon as you have the chance to review the cease and desist orders and language with Staff, there will be some negotiation about the penalty. It may be nominal depending on the history of your company or there may be a reason that Staff asked for a larger penalty, for example, if you have appeared here before or previously held a permit with the Commission.

Typically a portion of the penalty is suspended, which is meant to deter you from future illegal operations. So you pay a portion today and the remaining portion of the penalty does not become payable
until -- unless you violate the order. So we will call each of you back up and make sure you understand the order, $I$ will sign it on the record today, and then you will leave with a copy of it.

Anything else before we take a break?
MR. BRAUN: No, Judge. Thank you.
JUDGE CHARTOFF: Okay. We are in recess.
(Recess from 9:21 a.m. to 10:31 a.m.)
JUDGE CHARTOFF: Okay. So we will be back on the record. I understand that the cease and desist orders have been explained and presented to each company, so $I$ will call you back up one at a time in the order we went before.

Warren Harris.
So, Mr. Harris, have you had a chance to walk through the order?

MR. HARRIS: Yes.
JUDGE CHARTOFF: And do you understand all of the pages prior to the signature page?

MR. HARRIS: Yes.
JUDGE CHARTOFF: Okay. And I see that you and Mr. Braun have both signed it.

It looks like Staff -- let's see. Okay. It looks like you have recommended two violations in this case, one for offering a move and one for advertising?

Page 18

MR. BRAUN: Yes, Your Honor.
JUDGE CHARTOFF: And a $\$ 5,000$ penalty will be imposed, a $\$ 4,500$ portion of the penalty will be suspended for two years and then waived provided the business refrains permanently from operating as a household goods carrier without first obtaining the permit.

MR. HARRIS: Yes.
JUDGE CHARTOFF: The remainder of the penalty is due and payable. Is there -- oh, according to the -- oh, it looks like $\$ 100$ is due today and $\$ 400$ is due in approximately a month?

MR. HARRIS: Yes.
JUDGE CHARTOFF: Okay. So the suspension -and for the record, you're agreeing to shut down until -- unless or until you get a permit?

MR. HARRIS: Yes.
JUDGE CHARTOFF: The suspension period is for two years; is that right, from today's date?

MR. BRAUN: Correct, Your Honor.
JUDGE CHARTOFF: That means that if Staff finds an advertisement or you offer a move during that time, the remaining $\$ 4,500$ penalty becomes immediately due; do you understand that?

MR. HARRIS: Yes, ma'am.

JUDGE CHARTOFF: Okay. And the order to cease and desist is permanent, meaning it does not expire. So even after the two-year period of the suspended penalty has run, if Staff discovers you're still operating, Staff can go straight to superior court and seek enforcement of this order, which will include significant additional penalties. So there's strong incentive for you to comply with the law.

MR. HARRIS: Yes.
JUDGE CHARTOFF: And with regard to the payment schedule, do you understand that if you miss a payment, the entire amount including the $\$ 4,500$ penalty will be due and payable immediately?

MR. HARRIS: Yes, I do.
JUDGE CHARTOFF: So if for some reason you're going to be late making a payment, you need to contact Staff and make arrangements, and failing to contact them will ensure that the entire penalty will be imposed.

MR. HARRIS: Yes.
JUDGE CHARTOFF: Okay. And you understand legally what you can and can't do?

MR. HARRIS: Yes.
JUDGE CHARTOFF: Okay. And remember that Commission Staff is always available to assist you if

## Page 20

1 you have any questions. The Commission's goal is
2 compliance.

Okay. So did you have a chance to walk through the order?

MR. SAMUELS: Yes.
JUDGE CHARTOFF: And do you understand the terms of the order?

MR. SAMUELS: Yes.
JUDGE CHARTOFF: Okay. And I see that you both signed it. So looks like a $\$ 5,000$ penalty will be imposed, 4,500 of it is suspended for two years and then waived on the condition that the company honors its pledge of future compliance by permanently staying out of the industry without first obtaining a permit from

1 the Commission.

MR. SAMUELS: Yes.
JUDGE CHARTOFF: Okay. Okay. And I'll -again, I'll repeat a little of what $I$ said earlier that if the Staff -- that the suspension period is two years. And if the Staff finds that an advertisement or an offer to move during that time, the remaining $\$ 4,500$ will become immediately due and that the order to cease and desist is permanent, meaning it does not expire. So even after the two-year period has run, if Staff discovers you operating without a permit, they can go straight to superior court and seek enforcement of this order, which will include significant additional penalties; do you understand that?

MR. SAMUELS: I understand.
JUDGE CHARTOFF: Okay. And it looks like Staff has found -- recommended two violations, one for offering a move and one for advertising a move. Okay. And is there -- and there's a payment plan with $\$ 100$ due today and $\$ 200$ due May 30th and 200 due June 30th.

MR. SAMUELS: Yes.
JUDGE CHARTOFF: And, again, I want you to understand that if you miss a payment, the entire amount including the 4,500 penalty will be due and payable immediately. So if for some reason you're going to be

## Page 22

1 late making a payment, you should contact Staff and make 2 arrangements.

Okay. And the last is Dmitriy Satir.
Okay. And did you have a chance to walk through the order?

MR. SATIR: Yes.
JUDGE CHARTOFF: And do you understand all the pages before the signature page?

MR. SATIR: Yes.
JUDGE CHARTOFF: And I see that you and
Mr. Braun have both signed it.
MR. SATIR: Yes.
JUDGE CHARTOFF: And for the record, it --
Mr. Braun, it looks like you have recommended two violations in this case, one for offering a move and one
for advertising?
MR. BRAUN: That is correct, Judge.
JUDGE CHARTOFF: And a $\$ 5,000$ penalty will be imposed, a $\$ 3,500$ portion of the penalty is suspended for a period of two years and then waived if you refrain permanently from further operations as a household goods carrier without first obtaining the required permit from the Commission.

MR. SATIR: Yes.
JUDGE CHARTOFF: And for the record, you're agreeing to shut down the household goods carrier business unless or until you get a permit.

MR. SATIR: Reinstated, yes.
JUDGE CHARTOFF: Reinstated, right.
And the suspension period is for two years. That means if Staff finds an advertisement or you offer to move during that time, the remaining 3,500 becomes immediately due; do you understand?

MR. SATIR: Yes.
JUDGE CHARTOFF: Okay. And additionally, the order to cease and desist is permanent, meaning it does not expire. So if you do not get your permit reinstated and Staff discovers you're still operating, Staff can go straight to superior court and seek enforcement of this order which will include significant

## Page 24

1 additional penalties.

MR. SATIR: Yes.
JUDGE CHARTOFF: Okay. And you are paying -- oh, okay. So you are going to pay $\$ 1,000$ on April 30th?

MR. SATIR: Yes.
JUDGE CHARTOFF: And $\$ 500$ on May 30th?
MR. SATIR: Yes.
JUDGE CHARTOFF: And you heard what I said, right, about if you cannot make a payment, you need to contact Staff?

MR. SATIR: Yes.
JUDGE CHARTOFF: Or it will become -- the entire amount will become immediately due and payable. MR. SATIR: Okay. JUDGE CHARTOFF: Okay. Are there additional questions about this order? MR. SATIR: No. JUDGE CHARTOFF: No, okay. Then I will sign it. Okay. You're free to go once you get a copy. MR. SATIR: Thank you. JUDGE CHARTOFF: And we're good? MR. BRAUN: I believe so. JUDGE CHARTOFF: Okay. We are adjourned. Thank you, everybody.


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Page 26
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