

Docket No. TV-170746 - Vol. I

**In the Matter of: Bogdan Momotyuk d/b/a Bogdan
Delivery, L.L.C.**

October 25, 2017



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BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of Determining)
the Proper Carrier Classification)
of, and Complaint for Penalties) DOCKET NO. TV-170746
against:)
))
))
))
BOGDAN MOMOTYUK)
d/b/a BOGDAN DELIVERY, L.L.C.)

MOVER'S COURT, VOLUME I

Pages 1-33

ADMINISTRATIVE LAW JUDGE RAYNE PEARSON

9:00 a.m.

October 25, 2017

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A P P E A R A N C E S

ADMINISTRATIVE LAW JUDGE:

RAYNE PEARSON
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Transportation Commission
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* * * * *

1 OLYMPIA, WASHINGTON; OCTOBER 25, 2017

2 9:00 A.M.

3 --o0o--

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

5
6 JUDGE PEARSON: Good morning. We will be on
7 the record.

8 MR. PIENKOWSKI: Good morning.

9 JUDGE PEARSON: Oh, that was someone on the
10 bridge line. This is Judge Pearson. If you could just
11 wait a moment and I will do a roll call and ask who's on
12 the bridge line, okay?

13 MR. PIENKOWSKI: Yes, I'm sorry.

14 JUDGE PEARSON: That's okay.

15 So my name is Rayne Pearson. I'm an
16 administrative law judge with the Washington Utilities
17 and Transportation Commission, and I am the presiding
18 officer for today's hearing being conducted at the
19 Commission's headquarters in Olympia.

20 Today is Wednesday, October 25th, 2017, and
21 the time is 9:00 a.m. Today's hearing involves a total
22 of five household goods carriers, so the first thing
23 we'll do is take a roll call to determine which
24 companies are present either here in the hearing room or
25 on the bridge line.

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1 And as you can see, there is a court
2 reporter here creating a record of today's proceedings.
3 So when I call your name, please raise your hand and
4 also give a verbal response like "here" or "present."

5 So first is Docket TV-170171, Christopher
6 Neal, d/b/a Ready2Move and Haul, aka Won't Stop Moving.

7 Okay. Hearing nothing, next is Docket
8 TV-170746; is that right? I have an extra number on
9 that. Or is it 170 --

10 MS. JONES: 746.

11 JUDGE PEARSON: It is 746, okay.

12 Bogdan, I don't know how to pronounce --

13 MR. MOMOTYUK: Momotyuk.

14 JUDGE PEARSON: Momotyuk?

15 MR. WALSH: Yeah, represented by counsel,
16 Sean Walsh.

17 JUDGE PEARSON: Okay. Can you spell your
18 last name for me?

19 MR. WALSH: W-a-l-s-h.

20 JUDGE PEARSON: Okay. Great.

21 Next is Docket TV-170747, Tara Chila, d/b/a
22 Moves for Seniors.

23 MR. SHAFER: Your Honor, we're present --

24 MR. PIENKOWSKI: Chris Pienkowski present
25 for Moves for Seniors.

1 MR. SHAFER: Andrew Shafer, counsel for
2 Moves for Seniors.

3 JUDGE PEARSON: Okay. And I --

4 MR. SHAFER: There's an error. Tara is an
5 employee of the company. The corporate parent is
6 Transit Systems Inc.

7 JUDGE PEARSON: And I'm sorry, if the
8 gentleman on the bridge line can please identify himself
9 again.

10 MR. PIENKOWSKI: Yes. Chris, I will spell
11 my last name, Pienkowski. P as in Paul,
12 i-e-n-k-o-w-s-k-i, I'm calling for Moves for Seniors.
13 I'm the managing director.

14 JUDGE PEARSON: Okay. Great. Thank you.
15 Next is Docket TV-170812, James Moseley,
16 d/b/a You Got It Movers.

17 MR. MOSELEY: Here, Your Honor.

18 JUDGE PEARSON: Okay. And finally is Docket
19 TV-170972, Jake Theis, d/b/a Royal Moving.

20 MR. THEIS: Here. Theis.

21 JUDGE PEARSON: Theis?

22 MR. THEIS: Theis.

23 JUDGE PEARSON: Theis, okay. Thank you.

24 Okay. So there's just one company who did
25 not enter an appearance today and that company is

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1 subject to being held in default and having an order
2 entered against them, and I will take that case up later
3 this morning.

4 Did you have something you wanted to say?

5 MS. JONES: No.

6 JUDGE PEARSON: Okay. So each of you are
7 here because the Commission filed a complaint alleging
8 that your company is either performing or advertising to
9 perform work as a household goods carrier without the
10 required permit. And the purpose of today's proceeding
11 is to formally explain what your choices are and then
12 hear from each of you regarding which option that you
13 wish to pursue.

14 You can choose one of two options on behalf
15 of your company. You can either agree to cease and
16 desist providing, offering, and advertising unpermitted
17 household goods services, and if you choose that option,
18 then you will need to demonstrate what you've done to
19 either shut down your business completely or partially
20 to avoid further enforcement action by the Commission.
21 So Staff is going to want to see proof that you are no
22 longer performing unlawful services, for example, that
23 you've changed the language on your website or other
24 online advertisements for your business.

25 The second option is to ask for a

1 classification hearing to show why you don't need a
2 permit, and if you choose that option, you are
3 contesting allegations in the complaint and claim not to
4 be conducting household goods moving services. If you
5 choose that option, we will schedule a hearing for a
6 date in the near future with the deadline about a week
7 in advance for both the company and Commission Staff to
8 declare witnesses and file all exhibits.

9 So I will call each of you individually in
10 just a moment to hear from you. Ms. Rachel Jones, who
11 is seated over here to my right, is representing the
12 Commission this morning, and if you have not already met
13 her, she is a Commission compliance investigator.

14 So now that we have gone over the general
15 options for each of your companies, I will explain the
16 rest of today's procedures. So in a few minutes, I'll
17 call each of you forward and at that time, I will swear
18 you in so anything you tell the Court will be under oath
19 and is considered sworn testimony. Once you're sworn
20 in, I'll ask if you understand your options for today's
21 hearing and then ask you to state your preference. And
22 if there's anything else you want to explain to me, you
23 can do so at that time.

24 So with each of the complaints, Commission
25 Staff has not only alleged that you're providing

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1 household goods moving services without a permit, they
2 are also seeking to have a penalty imposed. The law
3 sets the maximum penalty for each violation at \$5,000,
4 and Staff will be making a penalty recommendation as
5 part of any agreed order. Ms. Jones will explain that
6 recommendation, but the Commission will make the final
7 decision about the amount of penalty to be imposed.

8 If you choose to testify about how you are
9 getting out of the household goods business, I will
10 allow you to make a statement explaining how you plan to
11 do that, and depending on what proof you can provide,
12 you should be able to reach an agreed order resolving
13 this matter with Staff, and you can speak to Ms. Jones
14 about that during the recess.

15 If you choose to contest the allegations in
16 the complaint, we will schedule another hearing, as I
17 explained earlier, for the Commission to present
18 evidence to prove its case. And if we are going to set
19 a hearing, it will help if you know your schedule for
20 the next month or two.

21 After I hear from each of your companies, we
22 will take a break, which will provide Staff time to meet
23 with each of you and prepare a final disposition for
24 your case.

25 So, Ms. Jones, why don't I go ahead and

1 swear you in at this point.

2 (Rachel Jones sworn.)

3 JUDGE PEARSON: Thank you. So after I hear
4 from each of you, I will address the company that did
5 not appear today, and, Ms. Jones, when I call that case,
6 you can make a brief summary of the status and present
7 your motion for default at that time.

8 So I will begin with the two companies who
9 are represented by counsel beginning with TV-170747,
10 Moves for Seniors.

11 Mr. Shafer, if you could take a seat right
12 there and make sure the microphone is turned on. The
13 red light will come on when it's on.

14 MR. SHAFER: I think it's on now.

15 JUDGE PEARSON: Perfect. Thank you. Okay.
16 So if you could state your first and last name for the
17 record.

18 MR. SHAFER: Yes, Andrew Shafer, attorney at
19 law. I'm the attorney for Transit Systems Inc, d/b/a
20 Moves for Seniors.

21 JUDGE PEARSON: Do you have a business card
22 that you can give to the court reporter?

23 MR. SHAFER: Yes, I do.

24 JUDGE PEARSON: Okay. And one for me, too,
25 that would be great.

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1 MR. SHAFER: Simburg, Ketter, Sheppard &
2 Purdy. Did you --

3 JUDGE PEARSON: I'm sorry, what?

4 MR. SHAFER: Did you ask the firm that I was
5 with?

6 JUDGE PEARSON: Oh, no, just a business card
7 for the court reporter would be fine.

8 MR. SHAFER: That's not a problem. Your
9 Honor, Moves for Seniors contests the complaint in its
10 entirety on several grounds. First of all, Moves for
11 Seniors isn't a moving company, it's a broker.

12 JUDGE PEARSON: Okay. So I'm not going to
13 hear argument from you right now. If you wish to
14 schedule a hearing, we can talk about dates for that.

15 MR. SHAFER: Absolutely.

16 JUDGE PEARSON: Okay.

17 MR. SHAFER: You know, actually, I had
18 spoken with Ms. Paul last week, and we had agreed upon a
19 tentative date of December 19th. I'm unavailable before
20 the 15th of December, and I'm not sure the 19th is going
21 to work, but for place-setting purposes now, that's
22 fine.

23 JUDGE PEARSON: Okay. So I will tell you
24 that if we commit to that date and it works for you now
25 but ends up not working for you later, you'll have to

1 file a motion and show cause as to why it would need to
2 be moved. So if you're not certain, I would recommend
3 choosing a different date.

4 MR. SHAFER: Well, let me explain my
5 situation. My wife is very ill.

6 JUDGE PEARSON: Okay.

7 MR. SHAFER: And right now the 19th is fine.
8 I don't know what's going to happen over the next two
9 months.

10 JUDGE PEARSON: Okay.

11 MR. SHAFER: So that would be the cause for
12 the show cause for continuance, but yes.

13 JUDGE PEARSON: Okay. That makes sense.

14 MR. SHAFER: Okay.

15 JUDGE PEARSON: So does that work for Staff?
16 Is there someone here who can indicate whether that
17 works for Staff? I believe --

18 MR. TURCOTT: Yes, Your Honor.

19 JUDGE PEARSON: Mr. Turcott, was that you?

20 MR. TURCOTT: Yes, Your Honor. We will
21 check our calendars --

22 JUDGE PEARSON: Okay.

23 MR. TURCOTT: -- and make that work.

24 JUDGE PEARSON: Okay. So we can tentatively
25 schedule it for the 19th. And I wanted to address also,

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1 Mr. Shafer, the letter that you submitted. I assume you
2 filed the order dismissing the petition for declaratory
3 proceeding.

4 MR. SHAFER: I did.

5 JUDGE PEARSON: Okay. And you asked for a
6 full evidentiary hearing. I wanted to give you a little
7 bit more of an explanation about how we conduct our
8 brief adjudicative proceedings because as you can see,
9 we do things a little bit differently here. Our
10 administrative hearings are more formal than what you
11 might be accustomed to with other state agencies. So
12 the only difference between what we would consider a
13 full-blown hearing versus a brief adjudicative
14 proceeding is that we will not require you to file
15 prefiled written testimony, but at the brief
16 adjudicative proceeding, you have -- we have a court
17 reporter present, you have an opportunity to present
18 witnesses and exhibits. If we schedule it in the
19 morning and it goes all day, that's fine.

20 MR. SHAFER: That's fine.

21 JUDGE PEARSON: Okay.

22 MR. SHAFER: No, that's -- that's -- that
23 was my concern.

24 JUDGE PEARSON: Okay.

25 MR. SHAFER: That we would be allowed to put

1 on a full evidentiary hearing.

2 JUDGE PEARSON: I assumed that.

3 MR. SHAFER: And I did have one
4 clarification. I did see the order dismissing our
5 petition for declaratory relief, and I want to clarify
6 on the record whether or not we'll be permitted to raise
7 all of the defenses that are set forth in the petition
8 that was denied.

9 JUDGE PEARSON: Absolutely.

10 MR. SHAFER: Thank you.

11 JUDGE PEARSON: The point of that is that we
12 don't need to have parallel proceedings. We will
13 absolutely address all of your arguments in the context
14 of the adjudication --

15 MR. SHAFER: Great.

16 JUDGE PEARSON: -- as opposed to a
17 declaratory.

18 MR. SHAFER: That's fine, thank you.

19 JUDGE PEARSON: Okay?

20 MR. SHAFER: Mm-hmm.

21 JUDGE PEARSON: So I will get a notice out
22 later today most likely or tomorrow that schedules the
23 brief adjudicative proceeding for December 19th. In
24 that notice it will describe what you need to file a
25 week in advance of the hearing, which will be any

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1 exhibits that you wish to offer, and you will have an
2 opportunity to cross-examine Staff. It's very much like
3 it's a -- it's a normal evidentiary hearing, but
4 typically on single issues such as this, we don't want
5 to require the parties to file prefiled written
6 testimony.

7 MR. SHAFER: That's fine.

8 JUDGE PEARSON: Okay?

9 MR. SHAFER: Very good.

10 JUDGE PEARSON: All right. So I think you
11 can go if there's nothing further from Staff.

12 Is that fine?

13 MS. JONES: That's fine.

14 JUDGE PEARSON: Okay.

15 MR. SHAFER: There's nothing further from
16 the --

17 JUDGE PEARSON: Okay.

18 MR. SHAFER: -- company either. Thank you,
19 Your Honor.

20 JUDGE PEARSON: Yeah, thank you.

21 So next is Docket TV-170746, Mr. Walsh.

22 MR. WALSH: Good morning, Your Honor.

23 JUDGE PEARSON: Good morning. If you could
24 also just make sure the microphone is on.

25 MR. WALSH: It has a red light.

1 JUDGE PEARSON: Yes.

2 MR. WALSH: I can hear it's on.

3 JUDGE PEARSON: Yes.

4 MR. WALSH: And I did not bring -- well, I
5 did bring business cards, but I left them in my car.

6 JUDGE PEARSON: Okay.

7 MR. WALSH: I do have copies of my notice of
8 appearance, would have all that information.

9 JUDGE PEARSON: Perfect. We can each take
10 one of those. That would be great. Thank you very
11 much.

12 Okay. So do you want to speak on behalf of
13 your client or does your client wish to make a
14 statement?

15 MR. WALSH: I can speak on behalf of my
16 client at this time --

17 JUDGE PEARSON: Okay.

18 MR. WALSH: -- I think. The -- so I have a
19 little bit of a qualified response. My client had
20 intended to set up his business as a broker of household
21 moving goods, as household movers, rather. He has the
22 company, Bogdan Delivery, which does broker
23 transportation of commercial goods, not household goods,
24 and some of the drivers that he works with also were
25 household movers and he thought well, I can get into

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1 this brokerage in that area as well.

2 He has a separate company called Bogdan
3 Movers, and his intent was to set that up as a broker of
4 household goods movers. He had called in February to
5 try and figure out what he needed to do, and he thought
6 he'd gotten enough information, and so he began his
7 operation.

8 The -- as he's received this notice that
9 says that he didn't do everything that he has able to do
10 and -- that he was required to do, and he has since
11 ceased his operation, closed down the business
12 temporarily. He is now in the process of applying for a
13 household goods movers certification for Bogdan Movers.
14 He still wants to set it up as a broker, but he realizes
15 that there are specific requirements that are different
16 from the transportation of commercial goods, in
17 particular, there has to be a more front-loaded
18 communication between the companies that are actually
19 moving the goods and the consumer.

20 So he needs to put that -- he needs to
21 change his business model from the transportation of
22 commercial goods to get the -- the consumer and the
23 company that's actually going to do the moving in
24 communication right away, very early on in the process,
25 which is very different from the business model that he

1 has with his commercial business.

2 He has modified his website so that there is
3 no connection between Bogdan Delivery and Bogdan Movers,
4 which was previously a mistake that he had done. And he
5 has put "Under Construction" on the Bogdan Movers
6 website at this point in time and is working to collect
7 the -- the necessary documents and all those other
8 things in order to make his application to the UTC for
9 Bogdan Movers and to change his business model. So
10 there's some -- he can't just pour over the same
11 structure that he had before.

12 JUDGE PEARSON: Sure.

13 MR. WALSH: So -- so it's a qualified we're
14 shutting down temporarily response.

15 JUDGE PEARSON: Okay. So that sounds like
16 it is ripe for negotiations with Staff about a reduced
17 penalty most likely with a suspended penalty and a cease
18 and desist, which is just unless and until he obtains a
19 permit.

20 MR. WALSH: Right.

21 JUDGE PEARSON: Okay. So are you planning
22 to stay here with your client and --

23 MR. WALSH: Absolutely.

24 JUDGE PEARSON: -- discuss the negotiations?

25 MR. WALSH: Absolutely.

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1 JUDGE PEARSON: Okay. And, Ms. Jones, do
2 you have a recommendation regarding the cease and desist
3 order for this company?

4 MS. JONES: No, no, recommendation. I
5 mean --

6 JUDGE PEARSON: Does Staff support that?

7 MS. JONES: I do support that, the cease and
8 desist.

9 JUDGE PEARSON: Okay. So when we take a
10 recess, then you both will have an opportunity to speak
11 with Ms. Jones and see if you can agree on an order for
12 entry, okay?

13 MR. WALSH: Thank you.

14 JUDGE PEARSON: Okay. So I will call the
15 next docket, TV-170812, James Moseley, d/b/a You Got It
16 Movers.

17 Good morning.

18 MR. MOSELEY: Good morning.

19 JUDGE PEARSON: So if you could just stand
20 and raise your right hand, I'll swear you in.

21 (James Moseley sworn.)

22 JUDGE PEARSON: Go ahead and take a seat,
23 and if you could state your first and last name for the
24 record and spell your last name for the court reporter.

25 MR. MOSELEY: James Moseley and it's

1 M-o-s-e-l-e-y.

2 JUDGE PEARSON: Okay. And what's your
3 position with the company?

4 MR. MOSELEY: I am the owner, slash, manager
5 of operations.

6 JUDGE PEARSON: Okay. And how do you want
7 to proceed this morning?

8 MR. MOSELEY: Your Honor, I was going
9 through some hard times. I pretty much got divorced,
10 going through child custody. It cost me a lot of money
11 going through court and everything. It did work out. I
12 did get the joint custody of my son, but it cost me a
13 lot of money, like I said. The insurance company I was
14 working with stopped doing the -- for me, and then I had
15 to obtain more insurance and was -- cost, you know, a
16 whole lot more money. And I did receive an inheritance,
17 so I obtained the insurance that I needed and did all
18 the paperwork that I needed to do and turned it in. So
19 I'm just waiting for the paperwork to go through to
20 complete the -- the permits.

21 JUDGE PEARSON: Okay. So it sounds like you
22 would like to choose the cease and desist option until
23 you get a permit?

24 MR. MOSELEY: Yes, Your Honor.

25 JUDGE PEARSON: Okay. That sounds good. So

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1 like you heard me say to the gentleman before you, at
2 the break, you will have an opportunity to sit down with
3 Staff and talk about whether you can agree on an order
4 for entry. So essentially, that order will say that you
5 agree that you were operating or advertising without a
6 permit and that you agree to stop doing that until you
7 get a permit --

8 MR. MOSELEY: Yes, Your Honor.

9 JUDGE PEARSON: -- once your application is
10 complete. And then once you're satisfied that you
11 understand all the terms of the order, you and Ms. Jones
12 can both sign it, and as I mentioned earlier, it will
13 most likely include an agreement about the amount of
14 penalty, most of which will likely be suspended, which
15 means that you won't have to pay it unless you again
16 operate without a permit. So as long as you do
17 everything that you're supposed to do, the amount of the
18 suspended penalty would go away after two years.

19 MR. MOSELEY: Okay. I just turned in the
20 paperwork yesterday, so it should go pretty smooth --
21 smooth in the next day or two so...

22 JUDGE PEARSON: Okay. Great. Do you have
23 any other questions?

24 MR. MOSELEY: No.

25 JUDGE PEARSON: Okay. So if you just want

1 to go and take a seat and then Staff will call you back
2 during the recess.

3 MR. MOSELEY: All right. Thank you.

4 JUDGE PEARSON: Okay? Thank you.

5 Okay. And then finally is Docket TV-170972,
6 Jake Theis. That's what you said, right?

7 MR. THEIS: Theis, yeah.

8 JUDGE PEARSON: Okay. If you could raise
9 your right hand.

10 (Jake Theis sworn.)

11 JUDGE PEARSON: Okay. Go ahead and take a
12 seat. I think the mic is on.

13 MR. THEIS: Okay.

14 JUDGE PEARSON: And can you state your first
15 and last name for the record and spell your last name
16 for the court reporter?

17 MR. THEIS: Jake Theis, T-h-e-i-s.

18 JUDGE PEARSON: Okay. And what's your
19 position with the company?

20 MR. THEIS: I'm the owner.

21 JUDGE PEARSON: Okay. And how do you want
22 to proceed this morning?

23 MR. THEIS: Basically I was new to the whole
24 business thing, and I didn't realize I even needed a
25 permit, and once I was told that I need to get a permit,

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1 I tried to explain that I was a labor-only.

2 JUDGE PEARSON: Okay.

3 MR. THEIS: That I rented U-Hauls, and even
4 with that, I still needed to get the permit. So I
5 proceeded with that. I filled out everything in the
6 application, I sent that in.

7 JUDGE PEARSON: Okay.

8 MR. THEIS: And I'm just trying to make
9 everything right now.

10 JUDGE PEARSON: Okay. So it sounds like you
11 want to do the same thing as Mr. Moseley and agree to
12 cease and desist until you get a permit?

13 MR. THEIS: Correct.

14 JUDGE PEARSON: And I assume you heard
15 everything that I said to him, that you can negotiate a
16 penalty and hopefully come to an agreement with Staff --

17 MR. THEIS: Yes.

18 JUDGE PEARSON: -- about that at the break.

19 MR. THEIS: That would be great.

20 JUDGE PEARSON: Okay. All right. Thank
21 you. You can go ahead and take a seat and just wait for
22 Staff to call you back during the recess.

23 And I will just check one more time for
24 Docket TV-170171, Christopher Neal, d/b/a Ready2Move and
25 Haul, aka Won't Stop Moving.

1 MS. PAUL: I just checked.

2 JUDGE PEARSON: Okay. So still not present.

3 All right. Ms. Jones, did you have any
4 contact with Mr. Neal?

5 MS. JONES: Yes, I did. On Monday he told
6 me he would be attending.

7 JUDGE PEARSON: Okay. So I suppose it's
8 possible he could still show up, and if so, we will deal
9 with it at that time. But at this point, we can take a
10 recess.

11 And as soon -- again, as soon as you've had
12 a chance to review the cease and desist orders and the
13 language with Staff, there will be some negotiation
14 about the penalty, and it may be nominal depending on
15 the history of your company or there may be a reason
16 that Staff asks for a larger penalty; for example, if
17 you have appeared here before, which none of you have,
18 or if you've previously held a household goods permit
19 with the Commission and then lost it in the past.

20 So like I explained earlier, typically a
21 portion of the penalty is suspended, which is meant to
22 deter you from further illegal operations. So you would
23 pay a portion today and remaining portion of the penalty
24 would not become payable unless you violated the
25 Commission's order. So we'll call each of you back up

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1 when we reconvene. I'll make sure that you understand
2 the order. I will sign it here on the record today, and
3 then you will leave with a copy of it.

4 So, Ms. Jones, is there anything else before
5 we take a break?

6 MS. JONES: No.

7 JUDGE PEARSON: Okay. So we will be in
8 recess at 9:24 a.m., and I will be in my office, so just
9 please have someone come notify me when you're ready to
10 come back on the record, okay?

11 So thank you all again for coming down, and
12 we will be in recess.

13 (Recess taken from 9:24 a.m.
14 until 10:21 a.m.)

15 JUDGE PEARSON: Okay. So we will be back on
16 the record at 10:21 a.m., and, Ms. Jones, has Staff been
17 able to reach an agreement with each of the companies?

18 MS. JONES: Yes, we have.

19 JUDGE PEARSON: Okay. So I will call you
20 back up one at a time beginning with 170746, Bogdan
21 Delivery.

22 And do you have the order?

23 Okay. So since you are represented by
24 counsel, I trust that you were walked through this and
25 you understand it?

1 MR. MOMOTYUK: Yes.

2 JUDGE PEARSON: Okay. And it looks like all
3 parties have signed the order.

4 And for the record, Ms. Jones, it looks like
5 you've recommended two violations, one for offering a
6 move and one for advertising; is that correct?

7 MS. JONES: Yes.

8 JUDGE PEARSON: Okay. And a \$4,000 portion
9 of the \$5,000 penalty will be suspended?

10 MS. JONES: Yes.

11 JUDGE PEARSON: Okay. And was the \$1,000
12 payment made today?

13 MS. JONES: Yes, it was.

14 JUDGE PEARSON: Okay. Great.

15 And just for the record, the company is
16 agreeing to cease and desist until you get a permit; is
17 that correct?

18 MR. MOMOTYUK: Yes.

19 JUDGE PEARSON: Okay. Can you turn on the
20 microphone and speak into it just so we have it for the
21 record?

22 MR. MOMOTYUK: Yes.

23 JUDGE PEARSON: Okay. Thank you. So the
24 suspension period for the \$4,000 is two years from
25 today's date, which is October 25th, 2019. That means

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1 if Staff finds an advertisement or you offer a move
2 during that time without having a permit, Staff will
3 recommend that that \$4,000 become immediately due and
4 payable without any further order and you understand
5 that?

6 MR. MOMOTYUK: Yes.

7 JUDGE PEARSON: Okay. And the cease and
8 desist order is permanent, which means it does not
9 expire. So if at any point in the future even beyond
10 that two-year period you're found to still be operating
11 without a permit, then Staff will go straight to
12 superior court and seek to have that enforced, which
13 will include significant additional penalties. So
14 there's a very strong incentive for you to comply with
15 the law, but it sounds like you're working on getting
16 your permit, so that shouldn't be a problem.

17 Okay. Any other questions? Okay. Then I
18 will sign this order and pass it back down to Ms. Jones,
19 and then a copy will be made and you will leave here
20 with it today. And once you get the copy, you're free
21 to go, okay? Thank you very much.

22 And thank you, Mr. Walsh.

23 MR. WALSH: Thank you.

24 JUDGE PEARSON: Next is Mr. Moseley,
25 TV-170812. Okay, Mr. Moseley, did you have a chance to

1 read through the order and you understand it?

2 MR. MOSELEY: Yes.

3 JUDGE PEARSON: Okay. And looks like both
4 parties have signed it. And just for the record, again,
5 Ms. Jones, there are two violations here, one for
6 offering a move and one for an advertisement; is that
7 correct?

8 MS. JONES: Yes.

9 JUDGE PEARSON: Okay. And it looks like
10 here there will be a \$5,000 penalty, a \$4500 portion
11 that will be suspended, and the company has agreed to
12 pay -- or is this a \$1,000?

13 MS. JONES: It's 1,000.

14 JUDGE PEARSON: I'm sorry. Okay. And the
15 company has reached a payment arrangement?

16 MS. JONES: Yes.

17 JUDGE PEARSON: Okay. So the \$600 was paid
18 today?

19 MS. JONES: Yes.

20 JUDGE PEARSON: Okay. And then you will pay
21 \$200 on November 27th and \$200 on December 26th?

22 MR. MOSELEY: Yes.

23 JUDGE PEARSON: Okay. And you do understand
24 that if you miss a payment, the entire amount including
25 the \$4,000 that's suspended will become immediately due

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1 and payable?

2 MR. MOSELEY: Yes, I'll pay it as soon as I
3 get it.

4 JUDGE PEARSON: Okay. And if for some
5 reason you're going to be late making a payment, just
6 contact Staff and make sure to let them know. That's
7 the key, to communicate with us rather than letting that
8 date pass, okay?

9 MR. MOSELEY: Yes, Your Honor.

10 JUDGE PEARSON: Okay. And you understand
11 legally what you can and can't do now?

12 MR. MOSELEY: I understand.

13 JUDGE PEARSON: Okay. Great. Do you have
14 any other questions?

15 MR. MOSELEY: No, ma'am.

16 JUDGE PEARSON: Okay. Then I will sign this
17 and pass it back down to Ms. Jones who will get a copy
18 for you and then you are free to go.

19 MR. MOSELEY: All right.

20 JUDGE PEARSON: Thank you for coming here
21 today.

22 MR. MOSELEY: Thank you, Your Honor.

23 JUDGE PEARSON: All right. And finally,
24 Jake Theis, Docket TV-170972. Okay. Mr. Theis, did you
25 have a chance to walk through the order?

1 MR. THEIS: Yes.

2 JUDGE PEARSON: And you understand its
3 contents?

4 MR. THEIS: Yes.

5 JUDGE PEARSON: Okay. Great.

6 And again, Ms. Jones, this is also two
7 violations, one for an advertisement and one for an
8 offer?

9 MS. JONES: Yes.

10 JUDGE PEARSON: And here a \$5,000 penalty
11 will be imposed and a \$4,500 portion will be suspended.
12 And it looks like you made that payment, a \$500 payment
13 today?

14 MR. THEIS: Yes.

15 JUDGE PEARSON: Okay. Great. And so you
16 heard what I said about the two-year suspension period,
17 and it sounds like you're working on getting your
18 permit --

19 MR. THEIS: Yes.

20 JUDGE PEARSON: -- as well. Okay. Great.
21 So I will go ahead and sign this. Do you have any other
22 questions?

23 MR. THEIS: Nope.

24 JUDGE PEARSON: Okay. Then once you get a
25 copy of this order, you are also free to leave and thank

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1 you very much --

2 MR. THEIS: Thank you.

3 JUDGE PEARSON: -- for coming here today.

4 Okay. And since the room is now virtually
5 empty, I assume we have not heard from Mr. Neal.

6 MS. JONES: No, we have not.

7 JUDGE PEARSON: Okay. All right. So let's
8 go ahead and move forward with the motion for default
9 for Docket TV-170171. I've had a chance to review that
10 docket, including the Commission's evidence and that
11 there was an offer for intrastate move in Washington and
12 advertising. That meets the definition for
13 RCW 81.80.075. So what is the company's motion -- or
14 the Commission's motion at this point with respect to
15 this company?

16 MS. JONES: We would like the company to be
17 classified as a household goods carrier and ordering him
18 to cease and desist and impose the penalties for two
19 violations.

20 JUDGE PEARSON: Okay. So that would be the
21 full \$5,000 penalty with nothing suspended, correct?

22 MS. JONES: Yes.

23 JUDGE PEARSON: Okay. So let's walk through
24 the evidence you have for the company with respect to
25 the violations and also talk about how service was

1 accomplished.

2 MS. JONES: Okay.

3 JUDGE PEARSON: Go ahead when you're ready.

4 MS. JONES: Okay. So Mr. Neal was served
5 on September 19th, 2017. He received a compliance
6 letter on January 3rd, 2017. We were able to obtain a
7 move from him on March 13th, 2017 by phone, and he still
8 currently has advertisements on Angie's List, Thumbtack,
9 Yelp, GoSmith, U-Haul, and Won't Stop Moving.

10 JUDGE PEARSON: Okay. And he was personally
11 served?

12 MS. JONES: Yes, he was. We had to set it
13 up to where he thought he was meeting a customer, and he
14 ended up meeting the process server.

15 JUDGE PEARSON: Okay. So he was personally
16 served and you had since spoken to him and you know that
17 he received his documents?

18 MS. JONES: Yes, I spoke with him on Monday.

19 JUDGE PEARSON: Okay. Great. So I will
20 grant your motion for this company, which is Christopher
21 Neal, d/b/a Ready2Move and Haul, aka Won't Stop Moving,
22 and I have signed the order, so I can pass it back down
23 to you now. And is there any other business that we
24 need to take care of today?

25 MS. JONES: Nope, that's it.

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1 JUDGE PEARSON: Okay. Thank you, then we
2 are adjourned.

3 (Adjourned at 10:30 a.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

