

Docket No. TV-180553 - Vol. I

**In the Matter of: Ben's Moving and Delivery Services,
Inc.**

November 13, 2018



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A P P E A R A N C E S

ADMINISTRATIVE LAW JUDGE:

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1 OLYMPIA, WASHINGTON; NOVEMBER 13, 2018

2 9:00 A.M.

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

6 JUDGE CHARTOFF: Good morning. My name is
7 Laura Chartoff, and I am an administrative law judge
8 with the Washington Utilities and Transportation
9 Commission.

10 Today is Tuesday, November 11th [sic], 2018,
11 and the time is approximately 9:00 a.m.

12 There are four household goods carriers who
13 should be here today, so the first thing we will do is
14 see who is here. And there's a court reporter who is
15 recording everything you say, so when I call your name,
16 please raise your hand and also say "here" or "present."

17 So the first docket is 180553, Ben's Moving
18 and Delivery Services, Inc.?

19 Okay. Hearing nothing, Docket 180798, Pro
20 Movers LLC doing business as Groovin Movin?

21 Hearing nothing, Docket 180804, Total Effort
22 LLC?

23 MR. HEMBRY: Here.

24 JUDGE CHARTOFF: Thank you.

25 And Docket 18088 -- I'll say that again.

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1 180844, Moving Art Corporation?

2 MR. DUBONOSOV: Here.

3 JUDGE CHARTOFF: Thank you.

4 Okay. So there are two companies who are
5 not here today, and those companies will be held in
6 default. I will deal with that later this morning after
7 the break.

8 Okay. So you are here because the
9 Commission has information that your company is
10 operating or advertising as a household goods carrier
11 without a permit. Operating or advertising as a
12 household goods carrier without the permit is illegal
13 and subject to a penalty of up to \$5,000 per violation.
14 If you are found to have engaged in business as a
15 household goods mover without a permit, the Commission
16 can order you to cease and desist operating and impose
17 the penalty.

18 So now I'm going to explain your choices
19 here today. So you can agree to cease and desist
20 providing, offering, or advertising unpermitted
21 household goods services. So if you choose this option,
22 you will need to show what you have done to shut down
23 your business either completely or partially, and I'm
24 going to want to see proof that you are no longer
25 advertising or operating. For example, you will need to

1 prove that you have taken down or changed your website
2 or other online advertisements for your business.

3 The other option is to ask for a
4 classification hearing to show why you don't need a
5 permit. So if you choose a hearing, you are denying
6 that you offer or advertise moving services. And for
7 this choice, we will schedule a hearing sometime in the
8 next two months with a deadline a week before the
9 hearing for both you and Commission Staff to list your
10 witnesses and file any exhibits. I have some dates
11 picked out in late December, early January that are
12 available.

13 So I will call each of you up one at a time
14 in just a few minutes. So Mr. Brian Braun will be
15 speaking for Commission Staff this morning. If you have
16 not already met Mr. Braun, he is seated at the table to
17 my right, and he is a Commission compliance
18 investigator.

19 Now that we've gone over your choices, I
20 will explain what else will happen today. So in a few
21 minutes, I'll call each of you up to make your choice,
22 and at that time, I will swear you in so that anything
23 you tell the Court will be under oath. And once you are
24 sworn in, I will ask you if you understand your choices
25 for today's hearing and then ask you to state your

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1 choice. If there is anything else you want to explain
2 to me, you will have a chance to do that.

3 If you choose to testify about how you're
4 getting out of the moving business, you can explain how
5 you plan to do that, and depending on what proof you can
6 provide, you should be able to reach an agreement with
7 Staff and you can speak to Staff about that during a
8 break in the proceedings. If you have recently applied
9 for and received a permit, you should let me know that
10 when I call you up.

11 Finally, if you deny you're operating as a
12 mover, we will schedule another hearing. If we're going
13 to set a hearing, it would help if you know your
14 schedule for the next two months when we review
15 calendars. So -- and after I hear from each of you, we
16 will take a break so you will -- you can meet with Staff
17 to discuss your case, and at the break, you can also
18 discuss the penalty.

19 You were each served with a complaint that
20 alleges you were engaged in moving household goods
21 without a permit and asks that the Commission penalize
22 you for that. And as I mentioned, the law sets the
23 maximum penalty for each violation at \$5,000. Staff
24 will recommend a penalty, and you will have a chance to
25 reach an agreement with Staff about the penalty. Staff

1 will explain the recommendation, but the Commission will
2 make the final decision about the penalty.

3 So, Staff, I will -- Mr. Braun, I will swear
4 you in now.

5 (Brian Braun sworn.)

6 JUDGE CHARTOFF: Thank you.

7 Okay. So I will call Total Effort LLC. Can
8 you please come forward? You can take a seat at the
9 table. Make sure your microphone is on, pull it towards
10 you, and please state your first and last name, spelling
11 your last name for the court reporter.

12 MR. HEMBRY: Leon Hembry, H-e-m-b-r-y.

13 JUDGE CHARTOFF: Okay. Can you please stand
14 while I swear you in?

15 (Leon Hembry sworn.)

16 JUDGE CHARTOFF: Thank you. Please be
17 seated.

18 So what is your position with the company?

19 MR. HEMBRY: I am the managing director,
20 founder.

21 JUDGE CHARTOFF: And do you understand the
22 choices that I laid out?

23 MR. HEMBRY: Yeah, I do.

24 JUDGE CHARTOFF: Do you -- have you made
25 your decision?

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1 MR. HEMBRY: Yeah, I was -- my decision is
2 to cease and desist. I -- my business is actually not
3 in the moving business. I kind of did some, you know,
4 jobs. I was on TaskRabbit, and I just kind of did
5 individual things for people through TaskRabbit and
6 noticed that there were some, you know, opportunities to
7 help people move.

8 And so I was in a rare of -- not being able
9 to advertise, and so I did advertise one time on
10 Craigslist and then I was -- I did get the letter, and
11 so I immediately took down the ads on there. So my
12 moving -- my business is not in moving, so it'd be no
13 problem to cease and desist.

14 JUDGE CHARTOFF: Okay. So -- and I assume
15 Staff has no objection?

16 MR. BRAUN: No objection, Your Honor. I've
17 also verified that his advertisement as I found is no
18 longer advertised on Craigslist.

19 Also, I think there was changes to your
20 Facebook page. I do see you are on Thumbtack, but it
21 seems to be labor-only.

22 MR. HEMBRY: Yeah.

23 MR. BRAUN: Some peer reviews and things
24 like that, so I am in agreement.

25 JUDGE CHARTOFF: Great.

1 Okay. So when we take a break in a few
2 minutes, you can talk to Staff and see if you can sign
3 an agreed order. That order will say that you agree you
4 were operating without a permit, that you advertised
5 without a permit, and that you agree to stop operating
6 unless you obtain a permit if you decide to apply for
7 one.

8 Once you feel comfortable that you
9 understand the order, you and Mr. Braun will both sign
10 it. It will include most likely an agreed penalty
11 amount, but if not, you will have the opportunity to
12 explain why the penalty should be different than what
13 Staff is recommending.

14 MR. HEMBRY: Okay.

15 JUDGE CHARTOFF: Do you have any questions?

16 MR. HEMBRY: No, I don't.

17 JUDGE CHARTOFF: Oh, okay. So please return
18 to the -- your seat and wait for the break.

19 MR. HEMBRY: All right. Thanks, Your Honor.

20 JUDGE CHARTOFF: Okay. Thank you.

21 Okay. So now I'm going to call Moving Art
22 Corporation.

23 MR. DUBONOSOV: What should I --

24 JUDGE CHARTOFF: Come forward and take one
25 of these chairs. Make sure to pull the microphone

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1 towards you and make sure that it is on. Might have to
2 hit the button. Thank you.

3 Please state your first and last name,
4 spelling your last name for the court reporter.

5 MR. DUBONOSOV: Artur Dubonosov.

6 JUDGE CHARTOFF: Please speak into the
7 microphone.

8 MR. DUBONOSOV: My name is Artur Dubonosov.

9 JUDGE CHARTOFF: Can you spell your last
10 name?

11 MR. DUBONOSOV: D-u-b-o-n-o-s-o-v.

12 JUDGE CHARTOFF: Okay. I will swear you in.
13 (Artur Dubonosov sworn.)

14 JUDGE CHARTOFF: Okay. Please be seated.
15 I want to make sure I get your name right.

16 It's Mr. Dubonosov?

17 MR. DUBONOSOV: Mm-hmm, correct.

18 JUDGE CHARTOFF: Okay. So what is your
19 position with the company?

20 MR. DUBONOSOV: I am the owner of this
21 company, but it's only me basically.

22 JUDGE CHARTOFF: Did you understand the
23 choices that I explained earlier?

24 MR. DUBONOSOV: Yes, and please forgive me.
25 I will not do this anymore. I stopped advertisement

1 this -- on Craigslist, so I'm not going to do this
2 anymore.

3 JUDGE CHARTOFF: Okay. So you want to
4 agree -- you will agree to cease and desist?

5 MR. DUBONOSOV: Yes.

6 JUDGE CHARTOFF: Do you have any objections?

7 MR. BRAUN: No, Your Honor.

8 JUDGE CHARTOFF: Okay. Okay. So, again,
9 we'll take a break in a few minutes and at that time,
10 you can talk to Staff and see if you can sign an agreed
11 order.

12 MR. DUBONOSOV: Sure.

13 JUDGE CHARTOFF: And that order will say you
14 agree you were operating without a permit, that you
15 advertised without a permit, and that you agree to stop
16 operating until you get a permit if you decide to get
17 one. It sounds like you just want to get out of the
18 business?

19 MR. DUBONOSOV: No, maybe I can continue,
20 but before I have to get UTC license.

21 JUDGE CHARTOFF: Okay.

22 MR. DUBONOSOV: And I see another one, UCR,
23 you know this UCR, something, because somebody sent me a
24 letter, it's another permit issued here. I don't know,
25 but it wasn't in my -- in my --

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1 MR. BRAUN: My understanding is he
2 specializes in piano moving, nothing that the UTC
3 regulates for besides our household goods moving permit.
4 If there's other things out there, Staff is unaware.

5 JUDGE CHARTOFF: Okay. Yeah, I am not aware
6 either. So -- yeah, so hopefully you two can agree on
7 an agreed order, and once you feel comfortable that you
8 understand the order, you and Mr. Braun will both sign
9 it. And it will also include most likely an agreed
10 penalty amount, but if not, you can explain why the
11 penalty should be different than what Staff is
12 recommending. Do you have any questions?

13 MR. DUBONOSOV: No.

14 JUDGE CHARTOFF: Okay. Okay. You can
15 return to your seat and wait for the break.

16 MR. DUBONOSOV: Okay.

17 JUDGE CHARTOFF: So before we go on break,
18 Mr. Braun, have you talked to anyone who didn't show up
19 here today?

20 MR. BRAUN: No, Your Honor. I have reached
21 out to everyone, and I did not return -- no phone calls
22 were returned.

23 JUDGE CHARTOFF: Okay. So I will handle
24 motions for default after the break. So yeah, at this
25 point, we're going to take a break. It is approximately

1 9:17. As soon as you have a chance to review the cease
2 and desist orders with Staff, you can talk about the
3 penalty. The penalty amount may -- that Staff is
4 requesting may be small or there may be a reason why
5 Staff asked for a larger penalty, for example, if you've
6 been here in mover's court before or you used to have a
7 household goods permit that was cancelled.

8 Usually part of the penalty is suspended and
9 you will not have to pay it back unless you break the
10 law again. So you will have to pay part of the penalty
11 today and you would only have to pay the rest if you
12 violate the order. And afterwards, I will call each of
13 you back up, make sure you understand the order, and I
14 will sign it, and then you will leave with a copy of it.

15 Is there anything else?

16 MR. BRAUN: No, Your Honor.

17 JUDGE CHARTOFF: Okay. We are at recess.

18 (Recess from 9:16 a.m.

19 until 9:59 a.m.)

20 JUDGE CHARTOFF: Okay. Let's be back on the
21 record. It's approximately 10:00 a.m. The date is
22 Tuesday, November 13th, 2018.

23 So I understand we have one cease and desist
24 order. So I will call you back up one at a time in the
25 order we went before.

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1 So Total Effort LLC, Mr. Hembry?

2 So, Mr. Hembry, did you have a chance to
3 read the whole order?

4 MR. HEMBRY: Yes, I did.

5 JUDGE CHARTOFF: And do you understand it?

6 MR. HEMBRY: Yes, I do.

7 JUDGE CHARTOFF: Okay. It looks like you
8 and Mr. Braun have both signed it.

9 MR. HEMBRY: Yes.

10 JUDGE CHARTOFF: And for -- okay. And it
11 looks like there are two violations in this case, one
12 for offering to transport household goods and one for
13 advertising a move. And there is a -- the company is
14 assessed a penalty of \$5,000. A \$4,500 portion of the
15 penalty is suspended for a period of two years and then
16 waived provided that Total Effort refrains permanently
17 from further operating as a household goods carrier
18 without obtaining a permit. And that -- okay. And for
19 the record, you are agreeing to shut down unless you get
20 a permit?

21 MR. HEMBRY: Yes.

22 JUDGE CHARTOFF: Okay. And the \$4,500
23 penalty is suspended for two years from today's date,
24 which is November 13th, 2018. That means that if Staff
25 finds an advertisement or you offer a move during this

1 time, you will have to pay the full \$4,500 penalty.

2 MR. HEMBRY: Okay.

3 JUDGE CHARTOFF: Also, the order to cease
4 and desist is permanent. It never expires. So if Staff
5 discovers you still operating after two years, Staff can
6 go straight to superior court and ask for much higher
7 penalties. So it's very important that you follow the
8 law.

9 MR. HEMBRY: Okay.

10 JUDGE CHARTOFF: And I see there's a payment
11 schedule with \$100 due today, \$200 due December 13th,
12 and the final \$200 due January 14th, 2019. And do you
13 understand that if you miss a payment, you will have to
14 pay the entire amount including the 4,500 suspended
15 penalty?

16 MR. HEMBRY: Yeah, I understand.

17 JUDGE CHARTOFF: So if for some reason
18 you're going to be late making a payment, you should
19 contact Staff and make arrangements so that you don't
20 end up having to pay the whole penalty.

21 And so you understand legally what you can
22 and can't do?

23 MR. HEMBRY: Yes.

24 JUDGE CHARTOFF: And remember that
25 Commission Staff is always available to assist you if

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1 you have any questions. Do you have any additional
2 questions about the order?

3 MR. HEMBRY: No, I don't.

4 JUDGE CHARTOFF: Okay. I will sign it.

5 Oh, do you have a -- I just brought a red
6 pen up here. Thank you.

7 MR. BRAUN: Mm-hmm.

8 JUDGE CHARTOFF: Okay. So I'm handing this
9 to Mr. Braun. He will have Staff make a copy and hand
10 it to you, and when you get that copy, you'll be free to
11 go.

12 MR. HEMBRY: Okay.

13 JUDGE CHARTOFF: Okay. Thank you.

14 MR. HEMBRY: All right. Thank you, Your
15 Honor.

16 JUDGE CHARTOFF: Okay. So next I'm going to
17 call back Moving Art Corporation, Mr. Dubonos- --
18 Dubonosov, Dubonosov.

19 Okay. So you were not able to come to an
20 agreement on an order?

21 MR. DUBONOSOV: Yes, I would like to say you
22 two things. They send me letter about warning, to stop
23 operation. I never get this letter. They send me to
24 the different address and I show you, I live at a
25 different address for two years. So this is title of

1 the home I'm living. You see that -- see 2016 I live at
2 different address.

3 JUDGE CHARTOFF: Oh, this is your --

4 MR. DUBONOSOV: The title to my home.

5 JUDGE CHARTOFF: So what is -- oh, please
6 take a seat so -- we need to -- our court reporter needs
7 to get everything on -- recorded and it's recorded
8 through the mic.

9 MR. DUBONOSOV: Yeah, I understand.

10 JUDGE CHARTOFF: So what is your current
11 address?

12 MR. DUBONOSOV: My current address is 12605
13 East Gibson Road, Unit 37, Everett, Washington 98204.
14 So if I -- if I got this warning in my real address, of
15 course I will stop this right away, but I never got
16 this. So they send me a -- they bring the papers for
17 the court to the -- to my right address. There is no
18 logic, you know, to bring the paper to my real address
19 and they send letter to different address.

20 JUDGE CHARTOFF: So how did you know about
21 this proceeding?

22 MR. DUBONOSOV: Because they bring their
23 paperwork -- I mean paper for the court for my real
24 address, to my real address in Everett. So this was my
25 first time ever finding out about these things.

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1 JUDGE CHARTOFF: Oh, so the previous letters
2 that --

3 MR. DUBONOSOV: Yeah, yeah, about warning,
4 yeah.

5 JUDGE CHARTOFF: -- they were sent to the
6 wrong address? So --

7 MR. DUBONOSOV: I never get it, yeah.
8 Sorry.

9 JUDGE CHARTOFF: So the first time you heard
10 about this was when you got the court documents?

11 MR. DUBONOSOV: Yes, correct.

12 JUDGE CHARTOFF: Okay.

13 MR. DUBONOSOV: And also, you know, it's
14 like private, but I was just -- baby was born month ago,
15 I don't have any money to pay penalty for this kind of
16 stuff. Sorry. I mean, I just ask you to...

17 JUDGE CHARTOFF: So does Staff want to make
18 a recommendation on the penalty?

19 MR. BRAUN: Yes, Your Honor. As per
20 standard for the Commission is the initial \$10,000
21 penalty, to cut that in half to 5,000 with 4500 of that
22 suspended, being 500 due for an individual that was
23 found to have been moving and was offered a move, but
24 has not been in front of the Commission before.

25 The letter was sent to the address that was

1 on record with the Secretary of State as of
2 June 14th, 2018. As sometimes the process serving of
3 documents -- oh, sorry, the initial cease and desist was
4 mailed out. It is the Commission Staff's position that
5 if the letter does not come back, it is deemed to be
6 served. So whether it was either forwarded or if the
7 person at that address destroyed it, I'm unaware. It
8 just did not come back to us. So I felt that was a good
9 mailing address.

10 When doing the Order 01, everything with the
11 process server, sometimes Secretary of State's addresses
12 we also check, but also too for personal addresses may
13 not be the same as what's registered with the Secretary
14 of State. In using the tools that Staff has available
15 to them, I found a newer address in Everett. An
16 address. I don't know. I can't speak to the timeline
17 of it, whether they -- the process server tried to serve
18 at both the Shoreline address and then at his personal
19 residence.

20 So it's Staff's recommendation, again, as
21 standard, that the 4,500 portion be suspended with 500
22 be due. We are open to payment schedules, but to be
23 consistent, that is Staff's recommendation.

24 JUDGE CHARTOFF: Thank you.

25 Okay. So I will take the penalty under

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1 advisement and issue an order in a few days. The order
2 will order you to cease and desist operating. And do
3 you have any questions?

4 MR. DUBONOSOV: No.

5 JUDGE CHARTOFF: Okay. Okay. So yeah, I
6 will issue an order in a few days, so you are free to
7 go.

8 MR. DUBONOSOV: Thank you.

9 JUDGE CHARTOFF: So that concludes the list
10 of companies present in the hearing room today. There's
11 no one else in the hearing room, so we can proceed with
12 motions for default. We'll start with Ben's Moving and
13 Delivery Services, Inc.

14 So I've had a chance to review that docket,
15 the Commission's evidence that there was an offer for an
16 intrastate move in Washington, and there was advertising
17 that meets the definition of RCW 81.80.075, engaging in
18 business as a moving company without a household goods
19 permit. So what is Staff's motion with respect to Ben's
20 Moving and Delivery, Inc?

21 MR. BRAUN: Your Honor, Staff moves to
22 implement the \$5,000 based on that -- your findings.

23 JUDGE CHARTOFF: Okay. So nothing would be
24 suspended?

25 MR. BRAUN: Correct.

1 JUDGE CHARTOFF: Okay. Let's briefly walk
2 through the evidence you have for each com- -- for this
3 company as well as when and how service was
4 accomplished.

5 MR. BRAUN: Your Honor, as according to my
6 declaration, on June 12th, 2018, I received an email tip
7 concerning a company, Ben's Moving and Delivery
8 Services, advertisements on -- it was -- I apologize,
9 one second. Then I searched the Commission records. On
10 June 13th, 2018, I found that the Ben's Moving company
11 under an owner of Israel Paredes, P-a-r-e-d-e-s, was the
12 owner and was previously permitted and then lost their
13 permit due to lack of insurance.

14 I found -- or then -- my apologies. On June
15 13th, I sent out a letter to cease and desist of Ben's
16 Moving and Delivery Services at 11544 Greenwood Avenue
17 North, Unit No. 1, in Seattle. No response. I also
18 found advertisements on Yelp for Ben's Moving and
19 Delivery Services.

20 On June 22nd, 2018, I posed as a customer.
21 I called a telephone number that was associated that I
22 found on the Yelp page at 206-673-6122. Left a message,
23 then I was called back. The gentleman identified
24 himself as Ben. Said it was his moving company and that
25 I was quoted 120 per hour for two workers and a 24-foot

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1 truck plus a \$30 fill fee. And I was also informed by
2 the owner that the time started from when his employees
3 arrived at my residence and ended when the employees
4 left my residence, and he also offered if I wanted three
5 movers, \$150 per hour.

6 That is for -- that concludes for my
7 evidence for service.

8 One second. There have been several
9 attempts to have this individual served. He would elude
10 process servers, try to not answer the door, things like
11 that. Process server was finally able to do that. I
12 believe they served it on a Jane Doe at the address.
13 Give me one moment. I will find it. It was the --
14 doing more research, I found another address of 2730 -
15 197th Place Southwest in Lynnwood, Snohomish County.
16 There the process server was able to serve a Jane Doe
17 who agreed she was authorized to accept, but did not
18 give her name as a person to accept service. That was
19 on October twenty -- I'm sorry. It was served on
20 October 23rd, 2018.

21 JUDGE CHARTOFF: Okay. Thank you. So I
22 will go ahead and grant that motion for Ben's Moving and
23 Delivery Service. Can you pass that default order up to
24 me if you have it? Okay. Well, I will sign that, but
25 we can move on to the next company.

1 MR. BRAUN: I believe that is Pro Movers
2 LLC, dba Groovin Movin, Docket 180798.

3 JUDGE CHARTOFF: Okay. Yes. Yes, so I've
4 had a chance to review that docket and the Commission's
5 evidence that there was an offer for an intrastate move
6 in Washington and there was advertising that meets the
7 definition of RCW 81.80.075, engaging in business as a
8 moving company without a household goods permit. So
9 what is Staff's motion with respect to Pro Movers LLC?

10 MR. BRAUN: Your Honor, Staff at this time,
11 unique situation in Pro Movers, dba Groovin Movin has
12 since been assigned a temporary permit. I believe he
13 was served through email agreeing to that per our
14 procedures. I am going to move forward at this time to
15 have a \$5,000 penalty for not showing up with none of
16 that suspended.

17 JUDGE CHARTOFF: Okay. So I understand this
18 company was served by email. Did you make attempts to
19 contact the company before this hearing?

20 MR. BRAUN: I did. I made several phone
21 calls and they were not returned.

22 JUDGE CHARTOFF: Let's walk through the
23 evidence you have for -- for Pro Movers LLC.

24 MR. BRAUN: On June 14th, 2018, I received
25 an email concerning the operations of Groovin Movin.

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1 That was included with an email of a gentleman's name of
2 Andrey, spelled A-n-d-r-e-y, with a cell phone number of
3 360-487-6564. On June 14th, 2018, I searched Commission
4 records and verified that Groovin Movin was not a
5 permitted household goods, that they had lost their
6 permit, and their previous owner by the name of Andrey
7 Goncharuk, spelled A-n-d-r-e-y, G-o-n-c-h-a-r-u-k.

8 Then on July 30th, 2018, I visited the
9 website of Groovinmovin.com, spelled
10 G-r-o-o-v-i-n-m-o-v-i-n.com, where I saw advertisements
11 for truck and labor, two men for \$240 an hour, and that
12 that company was located at 3101 Northeast 138th Avenue
13 in Vancouver, Washington 98682, and also at a telephone
14 number of 360-612-0090.

15 On July 31st of 2018, I sent a compliance
16 letter to Pro Movers down at that address in Vancouver
17 to notify them to cease and desist until they got the
18 required permit.

19 On September 11th, 2018, I called the phone
20 number associated with the website of 360-612-0090.
21 Under an assumed name, there I was able to obtain a
22 quote for moving services, which includes workers and a
23 truck. I spoke with an individual who identified
24 herself as Angela, and I was quoted \$60 per -- an hour
25 per person and \$2.50 a mile from the warehouse until the

1 return to the warehouse for two men and a 24-foot truck.
2 That concludes our evidence.

3 JUDGE CHARTOFF: Thank you. Oh, okay. So I
4 am concerned about issuing a default order against a
5 company that has come into compliance. Although, I am
6 also concerned that they did not show up or respond to
7 any of your phone calls. So do you know the dates that
8 those phone calls were made offhand?

9 MR. BRAUN: I am unaware of those offhand.
10 My apologies.

11 JUDGE CHARTOFF: So --

12 MR. BRAUN: I know I made actually --
13 October 24th, I know that one phone call was made.

14 JUDGE CHARTOFF: Okay. I -- yeah, I would
15 like to continue this proceeding, so I'm not going to --
16 actually, let's go off the record for a minute.

17 (Pause in the proceeding.)

18 JUDGE CHARTOFF: Okay. We are back on the
19 record. So I am going to go ahead and grant the default
20 order in this case because they were previously
21 permitted and then they lost their permit and they
22 haven't responded. I am concerned. So I am going to go
23 ahead and issue the default order. I am going to impose
24 the penalty of \$5,000. I do have to amend the order
25 because as it's currently read, it -- it orders them to

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1 stop operating, and because they have the permit,
2 they -- they can operate. So I will issue an order
3 after -- after the proceeding.

4 MR. BRAUN: Thank you, Your Honor.

5 JUDGE CHARTOFF: Okay. Is there any other
6 business we need to take care of?

7 MR. BRAUN: No, Your Honor.

8 JUDGE CHARTOFF: Okay. We are adjourned.

9 (Adjourned at 10:25 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

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