

Docket No. TV-190214 - Vol. I

**In the Matter of: Cuong T. Bui d/b/a Ben's Moving
Services**

August 13, 2019



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BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of Determining) Docket TV-190214
the Proper Carrier Classification)
of, and Complaint for Penalties)
against:)

)
)
)
CUONG T. BUI d/b/a BEN'S MOVING)
SERVICES)

TRANSPORTATION COURT, VOLUME I
Pages 1-20
ADMINISTRATIVE LAW JUDGE LAURA CHARTOFF

August 13, 2019
9:36 a.m.

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

REPORTED BY: TAYLER GARLINGHOUSE, CCR 3358

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1 LACEY, WASHINGTON; AUGUST 13, 2019
2 9:36 A.M.

3 --o0o--
4 P R O C E E D I N G S
5

6 JUDGE CHARTOFF: Okay. Let's be on the
7 record. Good morning. Today is Tuesday,
8 August 13th, 2019. The time is approximately 9:36 a.m.
9 We -- we were supposed to convene at 9:00 a.m., but no
10 household goods carriers had yet appeared. So due to
11 the traffic, we decided to delay the proceeding, so
12 we're starting now.

13 My name is Laura Chartoff. I am an
14 administrative law judge with the Washington Utilities
15 and Transportation Commission.

16 There are four household goods carriers who
17 should be here today, so the first thing we'll do is see
18 who is here. There is a court reporter who is recording
19 everything we say, so when I call your name, please
20 raise your hand and say "here" or "present."

21 So the first docket is TV-190214, Cuong T.
22 Bui, doing business as Ben's Moving Service?

23 Hearing nothing, TV-190489, Nathanael Hirst,
24 doing business as Amazing Movers 360?

25 MR. HIRST: Here.

1 A P P E A R A N C E S
2 ADMINISTRATIVE LAW JUDGE:
3 LAURA CHARTOFF
4 Utilities and Transportation
5 Commission
6 621 Woodland Square Loop Southeast
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10 FOR COMMISSION STAFF:
11 BRIAN BRAUN
12 Compliance Investigator
13 Utilities and Transportation
14 Commission
15 621 Woodland Square Loop Southeast
16 Lacey, Washington 98503
17 (360) 664-1129
18 brian.braun@utc.wa.gov

19 * * * * *

1 JUDGE CHARTOFF: Thank you.
2 TV-190499, Samuel Owen Svarny, doing
3 business as Brothers Moving?
4 Hearing nothing, TV-190500, Michael C.
5 Robertson, doing business as Moving Pros Northwest 6?
6 Hearing nothing, okay. So there are three
7 companies who are not here today. Those companies may
8 be held in default. I will deal with that later this
9 morning.

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

20 So the Commission has initiated an
21 enforcement action against you and your business, and at
22 this preliminary hearing, I'm going to ask how you
23 choose to proceed. You have two options. So option A
24 is to agree to cease and desist operating as an
25 unpermitted household goods carrier. If you choose this

Page 5

1 option, you must agree to stop providing, offering, or
 2 advertising unpermitted household goods services unless
 3 or until you receive a household goods permit from the
 4 Commission.
 5 If you choose this option, you will need to
 6 show what you have done to shut down your business
 7 either completely or partially. I'm going to want to
 8 see proof that you are no longer operating or
 9 advertising. For example, you would need to prove that
 10 you have taken down or changed your website or other
 11 online advertisements for your business. If you have
 12 obtained or applied for a permit in advance of this
 13 hearing, please let me know that when I call you up.
 14 So option B is to ask for a classification
 15 hearing. You would choose option B if you believe that
 16 you are not operating illegally and that your business
 17 is not subject to regulation by the Commission. If you
 18 choose this option, we will schedule a formal
 19 evidentiary hearing where you will be required to
 20 present proof that your business is not within the
 21 regulatory jurisdiction of the Commission. A hearing
 22 will be set in the next two months with a deadline a
 23 week before the hearing for both you and Commission
 24 Staff to list your witnesses and file any exhibits.
 25 Mr. Brian Braun will be speaking for

Page 6

1 Commission Staff this morning. He is a Commission
 2 compliance investigator.
 3 So now that we've gone over your choices, I
 4 will explain what else will happen today. In a few
 5 minutes, I will call you up here to make your choice,
 6 and at that time, I will swear you in so that anything
 7 you tell the Court will be under oath. Once you are
 8 sworn in, I will ask if you understand your choices for
 9 today's hearing and then ask you to state your choice.
 10 If there's anything else you want to explain to me, you
 11 will have a chance to do that.
 12 If you choose option A, you will need to
 13 testify about how you plan to comply with the law either
 14 by becoming a permitted business or shutting down your
 15 unpermitted business. Depending on what proof you can
 16 provide, you may be given an opportunity to meet with
 17 Staff during the break in the hearing to negotiate an
 18 agreed order to resolve this matter. The agreed order
 19 will also deal with the penalty.
 20 So you were served with a complaint that
 21 asked the Commission to penalize you for engaging in
 22 business as a household goods carrier without a permit.
 23 The law sets the maximum penalty for each violation at
 24 \$5,000. Staff will recommend a penalty and you will
 25 have a chance to reach an agreement with Staff about the

Page 7

1 penalty amount. If you are unable to agree, Staff will
 2 explain the recommendation, but the Commission will make
 3 the final decision on the penalty amount.
 4 If you choose option B, that is, if you deny
 5 you were operating as a household goods mover, we will
 6 schedule another hearing, and it would be helpful if you
 7 have your calendar with you so we can choose a hearing
 8 date.
 9 Okay. So, Staff, Mr. Braun, I will swear
 10 you in now.
 11 (Brian Braun sworn.)
 12 JUDGE CHARTOFF: Thank you.
 13 Okay. So I will call Nathanael Hirst, doing
 14 business as Amazing Movers 360. Please -- please come
 15 forward. While you're still standing, I'll swear you
 16 in.
 17 (Nathanael Hirst sworn.)
 18 JUDGE CHARTOFF: Thank you. Please be
 19 seated and turn your microphone on. You might have to
 20 pull it towards you a bit.
 21 So please state your first and last name and
 22 spell your last name for the court reporter.
 23 MR. HIRST: Nathanael Hirst, H-i-r-s-t.
 24 JUDGE CHARTOFF: And what is your position
 25 with the company?

Page 8

1 MR. HIRST: Owner/operator.
 2 JUDGE CHARTOFF: So do you understand your
 3 options here today?
 4 MR. HIRST: Yeah.
 5 JUDGE CHARTOFF: Do you know how you want to
 6 proceed?
 7 MR. HIRST: Well, I already have a permit.
 8 I've been granted temporary status.
 9 JUDGE CHARTOFF: So are you interested in
 10 talking to Staff about the penalty?
 11 MR. HIRST: Yeah.
 12 JUDGE CHARTOFF: And are you willing to
 13 admit that you were operating without a permit?
 14 MR. HIRST: Yes.
 15 JUDGE CHARTOFF: Okay. Mr. Braun, do you
 16 have anything to add?
 17 MR. BRAUN: No, Your Honor.
 18 JUDGE CHARTOFF: Okay. Okay. So when we
 19 take a break, you can talk to Staff and see if you can
 20 sign an agreed order.
 21 MR. HIRST: Okay.
 22 JUDGE CHARTOFF: That order will say you
 23 agree you were operating without a permit and that you
 24 agree you will stop operating should you fail to
 25 maintain your permit for any reason. And once you feel

1 comfortable that you understand the order, you and
 2 Mr. Braun will both sign it. It will also include most
 3 likely an agreed penalty amount, but if not, you can --
 4 when I -- after the recess, you can explain to me why
 5 the penalty -- penalty should be different than what
 6 Staff is recommending.
 7 MR. HIRST: Okay.
 8 JUDGE CHARTOFF: Do you have any questions?
 9 MR. HIRST: Nope.
 10 JUDGE CHARTOFF: Okay. Okay. So please
 11 return to your seat.
 12 MR. HIRST: Thank you.
 13 JUDGE CHARTOFF: And so, Mr. Braun, have you
 14 talked to anyone who did not show up here today?
 15 MR. BRAUN: I called all the individuals,
 16 the numbers that I had contacted before last week, and
 17 everybody said they were showing up. I tried to call
 18 them today and nobody answered. So I left voicemails as
 19 well, left my phone number, and someone is there to
 20 listen in case somebody calls, and I have not heard from
 21 anything [sic].
 22 JUDGE CHARTOFF: Okay. So I'll handle the
 23 motions for default after the break.
 24 MR. BRAUN: Okay.
 25 JUDGE CHARTOFF: Okay. So at this point, we

1 JUDGE CHARTOFF: And do you understand it?
 2 MR. HIRST: Yes.
 3 JUDGE CHARTOFF: Okay. I see that you both
 4 have signed it. Is the portion of the penalty that is
 5 not suspended, is that getting paid today?
 6 MR. HIRST: Yeah, I believe so.
 7 JUDGE CHARTOFF: Okay. So the -- the order,
 8 I'm just going to write in on Appendix A the amount and
 9 the --
 10 MR. HIRST: Okay.
 11 JUDGE CHARTOFF: -- that it's due today just
 12 so we have a record of that. Okay. So I'll just
 13 quickly go through it.
 14 MR. HIRST: Okay.
 15 JUDGE CHARTOFF: So looks like there's two
 16 violations in this case; one for offering a move and one
 17 for advertising. And a \$5,000 penalty will be imposed,
 18 a \$4,500 portion of the penalty will be suspended, and
 19 the company will pay the \$500 portion today; is that
 20 correct?
 21 MR. HIRST: Yes.
 22 JUDGE CHARTOFF: Okay. So I'm going to
 23 write in 8/13/19 and \$500.
 24 Are there any questions about the order?
 25 MR. HIRST: Nope.

1 are going to take a break, and as soon as you've had a
 2 chance to review the cease and desist order, you can
 3 talk about the penalty. The penalty may be small or
 4 there may be a reason why Staff asked for a larger
 5 penalty; for example, if you've been in front of a judge
 6 here before or if you used to have a household goods
 7 permit with the Commission that was cancelled.
 8 Usually part of the penalty is suspended and
 9 you will not have to pay it unless you break the law
 10 again. So you will pay part of the penalty today and
 11 you would only have to pay the rest of the penalty if
 12 you violate the order.
 13 So after the recess, I'll call you back up,
 14 make sure you understand the order, and I will sign it,
 15 and you will leave with a copy of it.
 16 Okay. Okay. We are in recess.
 17 (Recess taken from 9:48 a.m.
 18 until 10:00 a.m.)
 19 JUDGE CHARTOFF: We are back on the record.
 20 I understand the cease and desist order has been
 21 explained to the company, so I will call Mr. Hirst.
 22 Please come forward again and have a seat.
 23 So, Mr. Hirst, did you have a chance to review the whole
 24 order?
 25 MR. HIRST: Yeah.

1 JUDGE CHARTOFF: Okay. I'm going to go
 2 ahead and sign it. So -- and I will hand this to Staff,
 3 Staff will make a copy of it and give it to you and you
 4 will leave with it, and then you will be free to go.
 5 MR. HIRST: Okay.
 6 MR. BRAUN: Thank you.
 7 JUDGE CHARTOFF: Okay. Thank you.
 8 Okay. So that concludes the list of
 9 companies present in the hearing room today. There's no
 10 one else in this hearing room, so we can proceed with
 11 the motions for default. Mr. Braun, should we take
 12 these one at a time?
 13 MR. BRAUN: Yes, Your Honor.
 14 JUDGE CHARTOFF: Okay. So let's start with
 15 Ben's Moving Services. I'll just call them one more
 16 time for the record.
 17 TV-190214, Cuong T. Bui, doing business as
 18 Ben's Moving Services?
 19 Hearing nothing, so I had a chance to review
 20 that docket, the Commission's evidence, and that there
 21 was an offer for an interstate move in Washington.
 22 There was advertising that meets the definition of RCW
 23 81.80.075, engaging in business as a moving company
 24 without a household goods permit. So what is Staff's
 25 motion with respect to this company?

Page 13

1 MR. BRAUN: Staff's motion is to implement
 2 the \$5,000 penalty with nothing suspended. The process
 3 server's at date of the service is on file with the
 4 Commission. It was served, if you'll excuse me one
 5 second, on July 16th to the complainant or I believe
 6 someone at the residence. I also had several phone
 7 conversations with Mr. Bui, and he expressed that he was
 8 going to be coming in.
 9 JUDGE CHARTOFF: Can you just briefly walk
 10 through the evidence you have for that company?
 11 MR. BRAUN: Yes, Your Honor. On March 25th
 12 of 2019, I found advertisements on
 13 Bensmovingservices.net for a household goods moving
 14 company. That advertisement contained a business
 15 telephone number of 26 -- 206-778-1307.
 16 On March 25th of 2019, I searched the
 17 Commission records and found Cuong T. Bui, C-u-o-n-g, T,
 18 and then B-u-i who is DBA as Ben's Moving Services, and
 19 that the Commission had cancelled Ben's Moving's
 20 temporary household goods permit and dismissed the
 21 permit application in Docket TV-180869 on October 23rd
 22 of 2018 at the company's request.
 23 Cancellation was sent in a letter that
 24 stated that Ben's Moving must cease all operations
 25 associated with this permit, and it advised them if you

Page 14

1 advertise or operate as a household goods movers without
 2 a valid permit, the Commission may take enforcement
 3 action against you.
 4 Then on January 8th of 2019, I had called
 5 the 206-778-1307 using an assumed name. I obtained a
 6 quote for moving services. A company representative who
 7 identified himself as Ben gave an estimate of \$890 for
 8 three workers and a truck, and that was confirmed in a
 9 text message. All that was in my paperwork.
 10 And then I checked on April 8th of 2019, I
 11 visited the website again of Bensmovingservices.net, it
 12 was no longer active.
 13 JUDGE CHARTOFF: Thank you. Okay. So I
 14 will grant the motion for default for that company. You
 15 can get a copy of the default order to me after we are
 16 adjourned.
 17 Okay. So let's call the next company that
 18 did not appear, TV-190499, Samuel Owen Svarny, doing
 19 business as Brothers Moving?
 20 Again, hearing nothing, do you move for
 21 default for this company?
 22 MR. BRAUN: I do, Judge. Would you like me
 23 to go over the information again?
 24 JUDGE CHARTOFF: Yep.
 25 MR. BRAUN: All right. On May 6th of 2019,

Page 15

1 I found advertisements on Thumbtack.com for a household
 2 goods moving company. The advertisement also contained
 3 a copy of the business card with a phone number of
 4 206-471-0986. It also gave a link to a Facebook page
 5 and an introduction to the company with the owner's name
 6 as Sam.
 7 On May 6th of 2019, I searched the
 8 Washington State Department of Revenue's website for
 9 Brothers Moving. The results produced a contact name
 10 governing of Samuel Owen Svarny, S-v-a-r-n-y, with an
 11 address of 12431 - 2nd Place Southwest, Seattle, 98146.
 12 On May 6th of 2019, I searched Facebook and
 13 I found an advertisement for Brothers Moving. On May
 14 6th of 2019, I searched the Commission records and
 15 verified that Samuel Owen Svarny, DBA Brothers Moving,
 16 is not a permitted household goods carrier.
 17 On May 8th of 2019, a compliance letter was
 18 sent to Samuel Svarny notifying Brothers Moving to cease
 19 and desist operations as a household goods carrier in
 20 Washington State until they obtain the required
 21 household goods carrier permit from the Commission.
 22 On June 12th, 2019, I called 206-471-0986
 23 using an assumed name to obtain a quote for moving
 24 services including workers and a truck. Starting point
 25 was Renton, Washington, with delivery to Seattle,

Page 16

1 Washington. The company representative who identified
 2 himself as Sam gave me an estimate of between 300 and
 3 \$500 for three to six hours with two workers and a
 4 truck. This was confirmed with a text message and an
 5 email.
 6 Mr. Svarny was -- if you'll excuse me one
 7 second -- a Ms. Svarny, the mother and coresident, was
 8 served on July 17th, 2019, 7:05 a.m. at the 7121 - 29th
 9 Avenue Southwest in Seattle with all the paperwork
 10 identified here. I had several phone conversations with
 11 Mr. Svarny that he said he would appear. Mr. Svarny was
 12 also aware of the UTC and the thing [sic] as he had a --
 13 previously worked for a permitted company.
 14 JUDGE CHARTOFF: Thank you. So is Staff
 15 recommending imposing the full \$5,000 penalty for the
 16 two violations?
 17 MR. BRAUN: Yes, Your Honor.
 18 JUDGE CHARTOFF: Okay. I grant the motion
 19 for default for Samuel Owen Svarny, doing business as
 20 Brothers Moving.
 21 I'll take up the last company, TV-190500,
 22 Michael C. Robertson, doing business as Moving Pros
 23 Northwest 6?
 24 Hearing nothing, what is Staff's motion with
 25 respect to this company?

Page 17

1 MR. BRAUN: Staff's motions is for the full
 2 penalty of \$5,000 as default. On April 4th of 2019, I
 3 found advertisements on Craigslist for a household goods
 4 moving company. The advertisements contained a business
 5 name of Moving Pros Northwest with a telephone number of
 6 253-495-9805. It also contained a UBI of 603-416-265.
 7 On April 4th of 2019, I searched the
 8 Washington State Department of Revenue's website. The
 9 results produced an entity name of Michael C. Roberts
 10 [sic], DBA Moving Pros Northwest 6 with a UBI number
 11 matching of 603-416-265 and a physical address of
 12 22117 - 50th Avenue East in Spanaway, Washington, 98387.
 13 On April 4th, 2019, I searched Commission
 14 records and verified that Michael C. Robertson, DBA
 15 Moving Pros Northwest 6, is not a permitted household
 16 goods carrier.
 17 On April 11th, 2019, a compliance letter was
 18 sent to Michael C. Robertson notifying Moving Pros
 19 Northwest 6 to cease and desist operations as a
 20 household goods carrier in Washington State until he
 21 obtains the required household goods carrier permit from
 22 the Commission.
 23 On May 3rd, 2019, I verified that Moving
 24 Pros Northwest was continuing to advertise as a company
 25 that offered household goods movers on Craigslist.


Page 18

1 On June 12th, 2019, I called a telephone
 2 number of 253-495-9805 using an assumed name to obtain a
 3 quote for moving services including workers and a truck.
 4 The representative of the company, who identified
 5 himself as Mike, gave me an estimate of \$300 for two
 6 workers and a truck to move my household goods from
 7 Edgewood, Washington, to Tacoma, Washington. This was
 8 confirmed in a text message and email.
 9 On July 20th, 2019, at 4:39 p.m. at 22117 -
 10 50th Avenue in Spanaway, the Charles Robertson's
 11 father -- or I'm sorry, the father of Michael Robertson,
 12 Charles Robertson, the father and coresident, was served
 13 with the paperwork notifying him to be here. Again, I
 14 also talked to Mr. Robertson at least once on the
 15 telephone and he said he would be appearing today.
 16 I again renew my motion for a \$5,000 penalty
 17 for default for offering advertisements and operating as
 18 a household goods carrier in the state of Washington.
 19 JUDGE CHARTOFF: Okay. Thank you. I will
 20 grant that motion for default.
 21 Is there any other business we need to take
 22 care of today?
 23 MR. BRAUN: No, Your Honor.
 24 JUDGE CHARTOFF: Okay. I will look for
 25 those orders later.

Page 19

1 Okay. Thank you. We are adjourned.
 2 (Adjourned at 10:14 a.m.)
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Page 20

1 CERTIFICATE
 2
 3 STATE OF WASHINGTON
 4 COUNTY OF THURSTON
 5
 6 I, Tayler Garlinghouse, a Certified Shorthand
 7 Reporter in and for the State of Washington, do hereby
 8 certify that the foregoing transcript is true and
 9 accurate to the best of my knowledge, skill and ability
 10
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 12 
 13 Tayler Garlinghouse, CCR 3358
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<p style="text-align: center;">A</p> <p>a.m 1:15 3:2,8,9 10:17,18 16:8 19:2 ability 20:9 accurate 20:9 action 4:21 14:3 active 14:12 add 8:16 address 15:11 17:11 adjourned 14:16 19:1,2 administrative 1:12 2:2 3:14 admit 8:13 advance 5:12 advertise 14:1 17:24 advertisement 13:14 15:2,13 advertisements 5:11 13:12 15:1 17:3,4 18:17 advertising 4:12 5:2,9 11:17 12:22 advised 13:25 agree 4:24 5:1 7:1 8:23,24 agreed 6:18,18 8:20 9:3 agreement 6:25 ahead 12:2 Amazing 3:24 7:14 amount 7:1,3 9:3 11:8 answered 9:18 appear 14:18 16:11 appeared 3:10 appearing 18:15 Appendix 11:8 application 13:21 applied 5:12 approximately 3:8 April 14:10 17:2,7</p>	<p>17:13,17 asked 6:21 10:4 associated 13:25 assumed 14:5 15:23 18:2 August 1:14 3:1,8 Avenue 1:22 16:9 17:12 18:10 aware 16:12</p> <hr/> <p style="text-align: center;">B</p> <p>B 5:14,15 7:4 B-u-i 13:18 back 10:13,19 becoming 6:14 believe 5:15 11:6 13:5 Ben 14:7 Ben's 1:7 3:22 12:15,18 13:18,19 13:24 Bensmovingservi... 13:13 14:11 best 20:9 bit 7:20 Braun 2:9 5:25 7:9 7:11 8:15,17 9:2 9:13,15,24 12:6 12:11,13 13:1,11 14:22,25 16:17 17:1 18:23 break 6:17 8:19 9:23 10:1,9 Brian 2:9 5:25 7:11 brian.braun@ut... 2:12 briefly 13:9 Brothers 4:3 14:19 15:9,13,15,18 16:20 Buell 1:21 Bui 1:7 3:22 12:17 13:7,17 business 3:22,24 4:3,5,16,21 5:6,11 5:16,20 6:14,15</p>	<p>6:22 7:14 12:17 12:23 13:14 14:19 15:3 16:19,22 17:4 18:21</p> <hr/> <p style="text-align: center;">C</p> <p>C 2:1 3:4 4:4 16:22 17:9,14,18 20:1,1 C-u-o-n-g 13:17 calendar 7:7 call 3:19 5:13 6:5 7:13 9:17 10:13 10:21 12:15 14:17 called 9:15 14:4 15:22 18:1 calls 9:20 Cancellation 13:23 cancelled 10:7 13:19 card 15:3 care 18:22 carrier 1:4 4:12,14 4:25 6:22 15:16 15:19,21 17:16,20 17:21 18:18 carriers 3:10,16 case 9:20 11:16 CCR 1:20 20:13 cease 4:18,24 10:2 10:20 13:24 15:18 17:19 Certified 20:6 certify 20:8 chance 6:11,25 10:2,23 12:19 changed 5:10 Charles 18:10,12 Chartoff 1:12 2:3 3:6,13 4:1 7:12,18 7:24 8:2,5,9,12,15 8:18,22 9:8,10,13 9:22,25 10:19 11:1,3,7,11,15,22 12:1,7,14 13:9 14:13,24 16:14,18 18:19,24</p>	<p>checked 14:10 choice 6:5,9 choices 6:3,8 choose 4:23,25 5:5 5:15,18 6:12 7:4,7 classification 1:4 5:14 come 7:14 10:22 comfortable 9:1 coming 13:8 Commission 1:2,16 2:4,8,10 3:15 4:11 4:17,20 5:4,17,21 5:23 6:1,1,21 7:2 10:7 13:4,17,19 14:2 15:14,21 17:13,22 Commission's 12:20 companies 4:7,7 12:9 company 4:11 7:25 10:21 11:19 12:23 12:25 13:10,14 14:6,14,17,21 15:2,5 16:1,13,21 16:25 17:4,24 18:4 company's 13:22 complainant 13:5 complaint 1:5 6:20 completely 5:7 compliance 2:9 6:2 15:17 17:17 comply 6:13 concludes 12:8 confirmed 14:8 16:4 18:8 contact 15:9 contacted 9:16 contained 13:14 15:2 17:4,6 continuing 17:24 convene 3:9 conversations 13:7</p>	<p>16:10 copy 10:15 12:3 14:15 15:3 coresident 16:7 18:12 correct 11:20 COUNTY 20:4 court 1:10 3:18 6:7 7:22 Craigslist 17:3,25 Cuong 1:7 3:21 12:17 13:17</p> <hr/> <p style="text-align: center;">D</p> <p>D 3:4 d/b/a 1:7 date 7:8 13:3 DBA 13:18 15:15 17:10,14 deadline 5:22 deal 4:8 6:19 decided 3:11 decision 7:3 default 4:8 9:23 12:11 14:14,15,21 16:19 17:2 18:17 18:20 definition 12:22 delay 3:11 delivery 15:25 deny 7:4 Department 15:8 17:8 Depending 6:15 desist 4:18,24 10:2 10:20 15:19 17:19 Determining 1:4 different 9:5 dismissed 13:20 docket 1:4 3:21 12:20 13:21 doing 3:22,24 4:2,5 7:13 12:17 14:18 16:19,22 due 3:10 11:11</p>
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<p>E</p> <p>E 2:1,1 3:4,4 20:1,1 East 17:12 Edgewood 18:7 either 5:7 6:13 email 16:5 18:8 enforcement 4:21 14:2 engaged 4:16 engaging 6:21 12:23 entity 17:9 estimate 14:7 16:2 18:5 everybody 9:17 evidence 12:20 13:10 evidentiary 5:19 example 5:9 10:5 excuse 13:4 16:6 exhibits 5:24 explain 6:4,10 7:2 9:4 explained 10:21 expressed 13:7</p> <hr/> <p>F</p> <p>F 20:1 Facebook 15:4,12 fail 8:24 father 18:11,11,12 feel 8:25 file 5:24 13:3 final 7:3 first 3:17,21 7:21 foregoing 20:8 formal 5:18 forward 7:15 10:22 found 4:16 13:12 13:17 15:1,13 17:3 four 3:16 Fourth 1:22 free 12:4 front 10:5</p>	<p>full 16:15 17:1</p> <hr/> <p>G</p> <p>G 3:4 Garlinghouse 1:20 20:6,13 getting 11:5 give 12:3 given 6:16 go 11:13 12:1,4 14:23 going 4:22 5:7 10:1 11:8,22 12:1 13:8 Good 3:7 goods 3:10,16 4:12 4:13,17,25 5:2,3 6:22 7:5 10:6 12:24 13:13,20 14:1 15:2,16,19 15:21 17:3,16,20 17:21,25 18:6,18 governing 15:10 grant 14:14 16:18 18:20 granted 8:8</p> <hr/> <p>H</p> <p>H-i-r-s-t 7:23 hand 3:20 12:2 handle 9:22 happen 6:4 heard 9:20 hearing 3:23 4:4,6 4:22 5:13,15,19 5:21,23 6:9,17 7:6 7:7 12:9,10,19 14:20 16:24 held 4:8 helpful 7:6 Hirst 3:23,25 7:13 7:17,23,23 8:1,4,7 8:11,14,21 9:7,9 9:12 10:21,23,25 11:2,6,10,14,21 11:25 12:5 Honor 8:17 12:13</p>	<p>13:11 16:17 18:23 hours 16:3 household 3:10,16 4:12,13,16,25 5:2 5:3 6:22 7:5 10:6 12:24 13:13,20 14:1 15:1,16,19 15:21 17:3,15,20 17:21,25 18:6,18</p> <hr/> <p>I</p> <p>identified 14:7 16:1 16:10 18:4 illegal 4:14 illegally 5:16 implement 13:1 impose 4:18 imposed 11:17 imposing 16:15 include 9:2 including 15:24 18:3 individuals 9:15 information 4:11 14:23 initiated 4:20 interested 8:9 interstate 12:21 introduction 15:5 investigator 2:9 6:2</p> <hr/> <p>J</p> <p>January 14:4 judge 1:12 2:2 3:6 3:14 4:1 7:12,18 7:24 8:2,5,9,12,15 8:18,22 9:8,10,13 9:22,25 10:5,19 11:1,3,7,11,15,22 12:1,7,14 13:9 14:13,22,24 16:14 16:18 18:19,24 July 13:5 16:8 18:9 June 15:22 18:1 jurisdiction 5:21</p>	<p>K</p> <p>know 5:13 8:5 knowledge 20:9</p> <hr/> <p>L</p> <p>Lace 2:5 Lacey 1:17 2:11 3:1 larger 10:4 Laura 1:12 2:3 3:13 laura.chartoff@... 2:6 law 1:12 2:2 3:14 6:13,23 10:9 leave 10:15 12:4 left 9:18,19 let's 3:6 12:14 14:17 letter 13:23 15:17 17:17 link 15:4 list 5:24 12:8 listen 9:20 LLC 1:21 longer 5:8 14:12 look 18:24 looks 11:15 Loop 1:17 2:4,11</p> <hr/> <p>M</p> <p>maintain 8:25 March 13:11,16 matching 17:11 matter 1:4 6:18 maximum 6:23 meet 6:16 meets 12:22 message 14:9 16:4 18:8 Michael 4:4 16:22 17:9,14,18 18:11 microphone 7:19 Mike 18:5 minutes 6:5 months 5:22 morning 3:7 4:9</p>	<p>6:1 mother 16:7 motion 12:25 13:1 14:14 16:18,24 18:16,20 motions 9:23 12:11 17:1 move 11:16 12:21 14:20 18:6 mover 4:17 7:5 movers 3:24 7:14 14:1 17:25 moving 1:7 3:22 4:3,5 12:15,18,23 13:13,18,24 14:6 14:19 15:2,9,13 15:15,18,23 16:20 16:22 17:4,5,10 17:15,18,23 18:3 Moving's 13:19</p> <hr/> <p>N</p> <p>N 2:1 3:4 name 3:13,19 7:21 7:22 14:5 15:5,9 15:23 17:5,9 18:2 Nathanael 3:23 7:13,17,23 National 1:24 need 5:5,9 6:12 18:21 negotiate 6:17 Nope 9:9 11:25 Northwest 4:5 16:23 17:5,10,15 17:19,24 notifying 15:18 17:18 18:13 number 9:19 13:15 15:3 17:5,10 18:2 numbers 9:16</p> <hr/> <p>O</p> <p>O 3:4 o0o-- 3:3 oath 6:7</p>
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<p>obtain 15:20,23 18:2 obtained 5:12 14:5 obtains 17:21 October 13:21 offer 12:21 offered 17:25 offering 5:1 11:16 18:17 okay 3:6 4:6,10 7:9 7:13 8:15,18,18 8:21 9:7,10,10,22 9:24,25 10:16,16 11:3,7,10,12,14 11:22 12:1,5,7,8 12:14 14:13,17 16:18 18:19,24 19:1 Olympia 1:23 once 6:7 8:25 18:14 online 5:11 operate 14:1 operating 4:12,13 4:18,24 5:8,16 7:5 8:13,23,24 18:17 operations 13:24 15:19 17:19 opportunity 6:16 option 4:23 5:1,5 5:14,15,18 6:12 7:4 options 4:23 8:3 order 4:17 6:18,18 8:20,22 9:1 10:2 10:12,14,20,24 11:7,24 14:15 orders 18:25 Owen 4:2 14:18 15:10,15 16:19 owner's 15:5 Owner/operator 8:1</p> <hr/> <p style="text-align: center;">P</p> <hr/> <p>P 2:1,1 3:4 p.m 18:9</p>	<p>page 15:4 Pages 1:11 paid 11:5 paperwork 14:9 16:9 18:13 part 10:8,10 partially 5:7 pay 10:9,10,11 11:19 penalize 6:21 Penalties 1:5 penalty 4:15,19 6:19,23,24 7:1,3 8:10 9:3,5,5 10:3 10:3,5,8,10,11 11:4,17,18 13:2 16:15 17:2 18:16 permit 4:13,14,17 5:3,12 6:22 8:7,13 8:23,25 10:7 12:24 13:20,21,25 14:2 15:21 17:21 permitted 6:14 15:16 16:13 17:15 phone 9:19 13:6 15:3 16:10 physical 17:11 Place 15:11 plan 6:13 please 3:19 5:13 7:14,14,18,21 9:10 10:22 point 9:25 15:24 portion 11:4,18,19 position 7:24 preliminary 4:22 present 3:20 5:20 12:9 previously 16:13 proceed 4:23 8:6 12:10 proceeding 3:11 process 13:2 produced 15:9 17:9 proof 5:8,20 6:15</p>	<p>Proper 1:4 Pros 4:5 16:22 17:5 17:10,15,18,24 prove 5:9 provide 6:16 providing 5:1 pull 7:20</p> <hr/> <p style="text-align: center;">Q</p> <hr/> <p>questions 9:8 11:24 quickly 11:13 quote 14:6 15:23 18:3</p> <hr/> <p style="text-align: center;">R</p> <hr/> <p>R 2:1 3:4 20:1 raise 3:20 RCW 12:22 reach 6:25 Realtime 1:21 reason 8:25 10:4 receive 5:3 recess 9:4 10:13,16 10:17 recommend 6:24 recommendation 7:2 recommending 9:6 16:15 record 3:7 10:19 11:12 12:16 recording 3:18 records 13:17 15:14 17:14 regulation 5:17 regulatory 5:21 renew 18:16 Renton 15:25 REPORTED 1:20 reporter 3:18 7:22 20:7 Reporting 1:21 representative 14:6 16:1 18:4 request 13:22 required 4:14 5:19</p>	<p>15:20 17:21 residence 13:6 resolve 6:18 respect 12:25 16:25 rest 10:11 results 15:9 17:9 return 9:11 Revenue's 15:8 17:8 review 10:2,23 12:19 right 14:25 Roberts 17:9 Robertson 4:5 16:22 17:14,18 18:11,12,14 Robertson's 18:10 room 12:9,10</p> <hr/> <p style="text-align: center;">S</p> <hr/> <p>S 2:1 3:4 S-v-a-r-n-y 15:10 Sam 15:6 16:2 Samuel 4:2 14:18 15:10,15,18 16:19 schedule 5:18 7:6 searched 13:16 15:7,12,14 17:7 17:13 seat 9:11 10:22 seated 7:19 Seattle 1:22,23 15:11,25 16:9 second 13:5 16:7 see 3:17 5:8 8:19 11:3 sent 13:23 15:18 17:18 served 6:20 13:4 16:8 18:12 server's 13:3 service 3:22 13:3 services 1:8 5:2 12:15,18 13:18 14:6 15:24 18:3 set 5:22</p>	<p>sets 6:23 Shorthand 20:6 show 5:6 9:14 showing 9:17 shut 5:6 shutting 6:14 sic 9:21 16:12 17:10 sign 8:20 9:2 10:14 12:2 signed 11:4 six 16:3 skill 20:9 small 10:3 somebody 9:20 soon 10:1 sorry 18:11 Southeast 1:17 2:4 2:11 Southwest 15:11 16:9 Spanaway 17:12 18:10 speaking 5:25 spell 7:22 Square 1:17 2:4,11 Staff 2:8 5:24 6:1 6:17,24,25 7:1,9 8:10,19 9:6 10:4 12:2,3 16:14 Staff's 12:24 13:1 16:24 17:1 standing 7:15 start 12:14 starting 3:12 15:24 state 6:9 7:21 15:8 15:20 17:8,20 18:18 20:3,7 stated 13:24 status 8:8 stop 5:1 8:24 subject 4:15 5:17 Suite 1:22 supposed 3:9 sure 10:14</p>
---	--	--	--	--

<p>suspended 10:8 11:5,18 13:2 Svarny 4:2 14:18 15:10,15,18 16:6 16:7,11,11,19 swear 6:6 7:9,15 sworn 6:8 7:11,17</p> <hr/> <p style="text-align: center;">T</p> <p>T 1:7 3:21 12:17 13:17,17 20:1,1 Tacoma 18:7 take 8:19 10:1 12:11 14:2 16:21 18:21 taken 5:10 10:17 talk 8:19 10:3 talked 9:14 18:14 talking 8:10 Taylor 1:20 20:6,13 telephone 13:15 17:5 18:1,15 tell 6:7 temporary 8:8 13:20 testify 6:13 text 14:9 16:4 18:8 Thank 4:1 7:12,18 9:12 12:6,7 14:13 16:14 18:19 19:1 thing 3:17 16:12 three 4:6 14:8 16:3 Thumbtack.com 15:1 THURSTON 20:4 time 3:8 6:6 12:12 12:16 today 3:7,17 4:7 6:4 8:3 9:14,18 10:10 11:5,11,19 12:9 18:15,22 today's 6:9 traffic 3:11 transcript 20:8 Transportation 1:2 1:10,16 2:3,10</p>	<p>3:15 tried 9:17 truck 14:8 15:24 16:4 18:3,6 true 20:8 Tuesday 3:7 turn 7:19 TV-180869 13:21 TV-190214 1:4 3:21 12:17 TV-190489 3:23 TV-190499 4:2 14:18 TV-190500 4:4 16:21 two 4:23 5:22 11:15 16:3,16 18:5</p> <hr/> <p style="text-align: center;">U</p> <p>UBI 17:6,10 unable 7:1 understand 6:8 8:2 9:1 10:14,20 11:1 unpermitted 4:25 5:2 6:15 Usually 10:8 UTC 16:12 Utilities 1:2,16 2:3 2:10 3:14</p> <hr/> <p style="text-align: center;">V</p> <p>valid 14:2 verified 15:15 17:14,23 violate 10:12 violation 4:15 6:23 violations 11:16 16:16 visited 14:11 voicemails 9:18 VOLUME 1:10</p> <hr/> <p style="text-align: center;">W</p> <p>walk 13:9 want 5:7 6:10 8:5 Washington 1:1,16</p>	<p>1:17,22 2:5,11 3:1 3:14 12:21 15:8 15:20,25 16:1 17:8,12,20 18:7,7 18:18 20:3,7 we'll 3:17 we're 3:12 we've 6:3 website 5:10 14:11 15:8 17:8 week 5:23 9:16 willing 8:12 witnesses 5:24 Woodland 1:17 2:4 2:11 worked 16:13 workers 14:8 15:24 16:3 18:3,6 write 11:8,23 www.buellrealti... 1:25</p> <hr/> <p style="text-align: center;">X</p> <hr/> <p style="text-align: center;">Y</p> <p>Yeah 8:4,11 10:25 11:6 Yep 14:24</p> <hr/> <p style="text-align: center;">Z</p> <hr/> <p style="text-align: center;">0</p> <hr/> <p style="text-align: center;">1</p> <p>1-20 1:11 10:00 10:18 10:14 19:2 11th 17:17 12431 15:11 12th 15:22 18:1 13 1:14 3:1 1325 1:22 13th 3:8 16th 13:5 17th 16:8 1840 1:22</p>	<hr/> <p style="text-align: center;">2</p> <p>2018 13:22 2019 1:14 3:1,8 13:12,16 14:4,10 14:25 15:7,12,14 15:17,22 16:8 17:2,7,13,17,23 18:1,9 206 1:23 206-471-0986 15:4 15:22 206-778-1307 13:15 14:5 20th 18:9 22117 17:12 18:9 23rd 13:21 253-495-9805 17:6 18:2 25th 13:11,16 26 13:15 287-9066 1:23 29th 16:8 2nd 15:11</p> <hr/> <p style="text-align: center;">3</p> <p>300 16:2 18:5 3358 1:20 20:13 360 1:23 2:5,12 3:24 7:14 3rd 17:23</p> <hr/> <p style="text-align: center;">4</p> <p>4,500 11:18 4:39 18:9 4th 17:2,7,13</p> <hr/> <p style="text-align: center;">5</p> <p>5,000 4:15 6:24 11:17 13:2 16:15 17:2 18:16 500 11:19,23 16:3 50th 17:12 18:10 534-9066 1:23</p> <hr/> <p style="text-align: center;">6</p> <p>6 4:5 16:23 17:10</p>	<p>17:15,19 603-416-265 17:6 17:11 621 1:17 2:4,11 664-1129 2:12 664-1160 2:5 6th 14:25 15:7,12 15:14</p> <hr/> <p style="text-align: center;">7</p> <p>7:05 16:8 7121 16:8</p> <hr/> <p style="text-align: center;">8</p> <p>8/13/19 11:23 800 1:24 81.80.075 12:23 846-6989 1:24 890 14:7 8th 14:4,10 15:17</p> <hr/> <p style="text-align: center;">9</p> <p>9:00 3:9 9:36 1:15 3:2,8 9:48 10:17 98101 1:22 98146 15:11 98387 17:12 98503 1:17 2:5,11</p>
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