

Docket No. TV-191056 - Vol. I

In the Matter of: Santamaria Transport LLC

February 12, 2020



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Page 1

1 BEFORE THE WASHINGTON  
 2 UTILITIES AND TRANSPORTATION COMMISSION

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4 In the Matter of Determining )DOCKET TV-191056  
 5 the Proper Carrier Classification )  
 6 of, and Complaint for Penalties )  
 7 against: )  
 8 )  
 9 )  
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TRANSPORTATION COURT, VOLUME I  
 Pages 1-27  
 ADMINISTRATIVE LAW JUDGE RAYNE PEARSON

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February 12, 2020  
 9:00 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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Page 2

1 APPEARANCES  
 2  
 3 ADMINISTRATIVE LAW JUDGE:  
 4 RAYNE PEARSON  
 5  
 6 FOR COMMISSION STAFF:  
 7 BRIAN BRAUN  
 8 Compliance Investigator  
 9 Consumer Protection  
 10 Utilities and Transportation Division  
 11 P.O. Box 47250  
 12 Olympia, Washington 98504  
 13 (360) 664-1129  
 14 brian.braun@utc.wa.gov

ALSO PRESENT:  
 15 LEROY SCOTT  
 16 RICKY SANTAMARIA

\* \* \* \* \*

Page 3

1 LACEY, WASHINGTON; FEBRUARY 12, 2020  
 2 9:00 A.M.  
 3 --oOo--  
 4 PROCEEDINGS  
 5  
 6 JUDGE PEARSON: Okay. Good morning. Today  
 7 is Wednesday, February 12th, 2020. The time is 9:00  
 8 a.m.  
 9 My name is Rayne Pearson. I'm an  
 10 administrative law judge with the Washington Utilities  
 11 and Transportation Commission.  
 12 And there are two household goods carriers  
 13 who should be here today. So the first thing that we'll  
 14 do is take a roll call to see who's present. There's a  
 15 court reporter who is recording everything that we say,  
 16 so when I call your name, please raise your hand and  
 17 also give a verbal response such as "here" or "present."  
 18 The first docket is TV-191056, Santamaria  
 19 Transport LLC?  
 20 MR. SANTAMARIA: Here.  
 21 MR. SCOTT: Present.  
 22 JUDGE PEARSON: Okay. Thank you.  
 23 And TV-190833, Mark Alberto Marrero, d/b/a  
 24 Mark the Mover?  
 25 MR. BRAUN: Your Honor, if I may?

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1 JUDGE PEARSON: Yes.  
 2 MR. BRAUN: We've had phone conversations  
 3 with Mr. Marrero. He believed it was yesterday -- or  
 4 I'm sorry, tomorrow, but he's on his way down.  
 5 JUDGE PEARSON: Okay. Do you know about how  
 6 far away he is?  
 7 MR. BRAUN: He left from Tacoma about ten  
 8 minutes ago, so --  
 9 JUDGE PEARSON: Okay.  
 10 MR. BRAUN: -- 30, 40 minutes.  
 11 JUDGE PEARSON: Okay. All right. Well, we  
 12 will give Mr. Marrero a little bit of time to get here.  
 13 I think what we'll do is just go ahead and get started,  
 14 and then if he's not here before we take a recess, we  
 15 can always address his case after you talk with the  
 16 other company and maybe even after they're gone, that's  
 17 fine.  
 18 Okay. So if you would like to -- a  
 19 representative for Santamaria Transport LLC, if you'd  
 20 like to come up to the table, whoever is going to be  
 21 speaking on behalf of the company, and I'll just explain  
 22 how it's going to work today.  
 23 MR. BRAUN: Everybody can come up if they  
 24 want. Everyone can come up if they want.  
 25 JUDGE PEARSON: Okay. Good morning. So

Page 5

1 you're here today because the Commission has information  
 2 that your company is or was operating as a household  
 3 goods carrier without a permit, and operating or  
 4 advertising as a household goods mover without the  
 5 required permit is illegal and subject to a penalty of  
 6 up to \$5,000 per violation. So if you're found to have  
 7 engaged in business as a household goods mover without a  
 8 permit, the Commission can order you to cease and desist  
 9 operating and also impose a penalty.  
 10 So the Commission initiated an enforcement  
 11 action against your business, and at this hearing today,  
 12 I'm going to ask you how you want to proceed, and you  
 13 have two options.  
 14 So the first option is to agree to cease and  
 15 desist operating as an unpermitted household goods  
 16 carrier. And if you choose that option, that means that  
 17 you agree to stop providing, offering, and advertising  
 18 unpermitted household goods services unless or until you  
 19 get a permit from the Commission. And you will need to  
 20 show what you've done to shut down your business either  
 21 completely or partially if -- if that's what you choose.  
 22 If you have already obtained or applied for a permit in  
 23 advance of the hearing, please let me know that, because  
 24 if you've obtained your permit, you can continue to  
 25 operate your business as long as you are permitted.

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1 Have you applied for a household goods  
 2 permit?  
 3 MR. SCOTT: No, Your Honor.  
 4 JUDGE PEARSON: No, okay.  
 5 Okay. So in that case, Staff is going to  
 6 want to see proof that you're no longer operating or  
 7 advertising, so proof that you've taken down or changed  
 8 your website or other online advertisements.  
 9 The second option is to ask for a  
 10 classification hearing, and you would choose option B if  
 11 you believe that you're not operating illegally and that  
 12 your business is not subject to regulation by the  
 13 Commission. So you would be denying that you advertise  
 14 or offer unpermitted household goods carrier services.  
 15 And if you choose that option, we will  
 16 schedule a formal evidentiary hearing where you'll be  
 17 required to present proof that your business is not  
 18 within the Commission's jurisdiction. And that hearing  
 19 would be set in the next few weeks, probably next month  
 20 or so with a deadline a week before the hearing for both  
 21 you and Commission Staff to list your witnesses and file  
 22 any exhibits.  
 23 And Brian Braun will be speaking for  
 24 Commission Staff this morning. If you have not already  
 25 met Mr. Braun, he is seated over here at the table to my

Page 7

1 right. He's a Commission compliance investigator.  
 2 So in a few minutes, I'll ask you which  
 3 choice you want to make. So I'll swear you in before we  
 4 do that so that anything that you tell me will be  
 5 considered sworn testimony made under penalty of  
 6 perjury. And once you're sworn in, I'll ask if you  
 7 understand your choices and then ask you to state your  
 8 choice. And if there's anything else you want to  
 9 explain to me, you'll have a chance to do that as well.  
 10 So if you choose the first option, agreeing  
 11 to shut down your business, you'll just need to explain  
 12 how you plan to comply with the law. And you'll have an  
 13 opportunity to meet with Staff during the break to  
 14 attempt to negotiate an agreed order to resolve this  
 15 matter, and the agreed order will also deal with the  
 16 penalty amount.  
 17 And the -- the complaint that you were  
 18 served with explains that the maximum penalty for each  
 19 violation is \$5,000. Staff will recommend a penalty,  
 20 and you'll have a chance to reach an agreement with  
 21 Staff about that penalty amount. If you're unable to  
 22 agree, Staff will explain its recommendation, you can  
 23 explain your side of the story, and then I'll make the  
 24 final decision about the penalty amount. And if you  
 25 choose option B, then we'll schedule another hearing

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1 like I explained earlier.  
 2 So, Mr. Braun, why don't I swear you in now.  
 3 (Brian Braun sworn.)  
 4 JUDGE PEARSON: Okay. Please be seated.  
 5 Okay. So who is going to speak on behalf of  
 6 the company today?  
 7 MR. SCOTT: Your Honor.  
 8 JUDGE PEARSON: Okay. Can you state your  
 9 full name and spell your last name for the record and  
 10 can you speak into the microphone?  
 11 MR. SCOTT: LeRoy Scott, and that is  
 12 S-c-o-t-t.  
 13 JUDGE PEARSON: Okay. And what's your  
 14 position with the company?  
 15 MR. SCOTT: We're a third-party carrier,  
 16 service provider, kind of administrator, compliance,  
 17 safety compliance, and we've been assisting Santamaria  
 18 for a period of time prior to this event.  
 19 JUDGE PEARSON: Okay. Are you an owner of  
 20 the company?  
 21 MR. SCOTT: Not of Santamaria.  
 22 JUDGE PEARSON: Okay. Are these the --  
 23 MR. SCOTT: I'm third-party.  
 24 JUDGE PEARSON: -- owners? Okay.  
 25 MR. SCOTT: These folks are the owners.

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1 JUDGE PEARSON: Okay. And what -- can you  
 2 turn on the microphone and give me your name?  
 3 MR. SANTAMARIA: Ricky Santamaria.  
 4 JUDGE PEARSON: Hold on one second. Wait  
 5 for the green light to come on. Okay. Go ahead.  
 6 MR. SANTAMARIA: So I'm Ricky Santamaria.  
 7 JUDGE PEARSON: Okay. How do you spell your  
 8 last name?  
 9 MR. SANTAMARIA: S-a-n-t-a-m-a-r-i-a.  
 10 JUDGE PEARSON: Okay. And you're the owner?  
 11 MR. SANTAMARIA: Yes.  
 12 JUDGE PEARSON: Okay. And you've -- you've  
 13 designated Mr. Scott to speak on your behalf today?  
 14 MR. SANTAMARIA: Yes.  
 15 JUDGE PEARSON: Okay. So, Mr. Scott, I will  
 16 swear you in.  
 17 Do you want me to swear you in too in case  
 18 you have something that you want to say?  
 19 MR. SANTAMARIA: Yes.  
 20 (LeRoy Scott and Ricky Santamaria sworn.)  
 21 JUDGE PEARSON: Okay. Please be seated.  
 22 All right. Mr. Scott, did you understand  
 23 the options that I explained?  
 24 MR. SCOTT: Yes, Your Honor.  
 25 JUDGE PEARSON: Okay. And does the company

Page 10

1 admit that it was operating as a household goods carrier  
 2 without a permit previously?  
 3 MR. SCOTT: Yes, Your Honor.  
 4 JUDGE PEARSON: Okay. And does the company  
 5 agree to cease and desist operating without a permit?  
 6 MR. SCOTT: Yes, Your Honor.  
 7 JUDGE PEARSON: Okay. And so what steps has  
 8 the company taken to shut down its business or change  
 9 its advertisements and does the company intend to get a  
 10 permit?  
 11 MR. SCOTT: No, no intention of getting a  
 12 household goods permit.  
 13 JUDGE PEARSON: Okay.  
 14 MR. SCOTT: The company does exist, Your  
 15 Honor, as a federal motor carrier, and also they have a  
 16 Washington intrastate CC permit.  
 17 JUDGE PEARSON: Okay.  
 18 MR. SCOTT: And I do have a summary that I  
 19 can submit just to give an overview of our proposal this  
 20 morning.  
 21 JUDGE PEARSON: Okay.  
 22 MR. SCOTT: If that could be submitted as  
 23 evidence.  
 24 JUDGE PEARSON: Well, I think that what you  
 25 should do is talk it over with Staff.

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1 MR. SCOTT: Okay. Now, I presented to  
 2 Brian.  
 3 JUDGE PEARSON: You did?  
 4 MR. BRAUN: Yes, Your Honor. I had a chance  
 5 to review. I have no problem with submission.  
 6 JUDGE PEARSON: Okay. All right. If you  
 7 want to, you can hand that to Mr. Braun and he will  
 8 bring it to me.  
 9 Okay. Thank you. I'm just going to take a  
 10 second to read this over, okay?  
 11 Okay. So just for the record, I'm going to  
 12 summarize what's in this letter. It's just an  
 13 explanation that the company was unaware of the  
 14 requirements to have a household goods permit, and as  
 15 soon as they were notified by the Commission that they  
 16 needed such a permit to continue these types of  
 17 operations, they immediately ceased providing household  
 18 goods moves; is that an accurate summary?  
 19 MR. SCOTT: That's -- yes, ma'am.  
 20 JUDGE PEARSON: Okay.  
 21 MR. SCOTT: Yes, Your Honor.  
 22 JUDGE PEARSON: Okay. All right. So like I  
 23 was saying, when we take a break, you can talk with  
 24 Staff and see if you can negotiate an agreed order. The  
 25 order will say that you admit that you were operating

Page 12

1 without a permit, that you advertised without a permit,  
 2 and that you agree to stop operating unless you decide  
 3 to apply for a permit. And once you feel comfortable  
 4 that you understand the order, you and Mr. Braun will  
 5 both sign it, and then it will also include an agreed  
 6 penalty amount most likely. But if not, like I said  
 7 earlier, you can explain why you believe the penalty  
 8 should be different than Staff's recommendation.  
 9 Okay. Do you have any questions?  
 10 MR. SCOTT: No, Your Honor.  
 11 JUDGE PEARSON: Okay. All right. Well,  
 12 Mr. Braun, do you have anything else that you want to  
 13 add before we take a break?  
 14 MR. BRAUN: No, Your Honor. I have  
 15 verified, though -- I'm sorry, yes.  
 16 JUDGE PEARSON: Okay.  
 17 MR. BRAUN: I have verified that they have  
 18 removed their Thumbtack ad for where I found them  
 19 advertising.  
 20 JUDGE PEARSON: Okay. All right. Well,  
 21 let's go ahead and take break. And as soon as you've  
 22 had a chance to review the cease and desist order, you  
 23 can talk about the penalty. So the penalty may be small  
 24 or there may be a reason that Staff asks for a larger  
 25 penalty, for example, if you had been here before, which

Page 13

1 I don't believe is the case for this company, or if you  
 2 used to have a household goods permit with the  
 3 Commission that was cancelled.  
 4 So usually part of the penalty is suspended,  
 5 which means that you won't have to pay it unless you  
 6 break the law again. So you would pay part of the  
 7 penalty today and only have to pay the rest of the  
 8 penalty in the event that you violated the order, okay?  
 9 MR. SCOTT: Yes, Your Honor.  
 10 JUDGE PEARSON: All right. Well, then, we  
 11 are in recess and we'll be off the record.  
 12 (Recess taken from 9:11 a.m.  
 13 until 9:41 a.m.)  
 14 JUDGE PEARSON: Okay. Let's be back on the  
 15 record following a recess. So I understand that the  
 16 cease and desist order was explained to you and that --  
 17 I see that both Mr. Braun and Mr. Santamaria have signed  
 18 it.  
 19 So, Mr. Santamaria or Mr. Scott, did you  
 20 have a chance to read the whole order and do you feel  
 21 like you understand it?  
 22 MR. SCOTT: Yes, we did.  
 23 JUDGE PEARSON: Okay. Thank you.  
 24 And it looks like a \$5,000 penalty will be  
 25 imposed, but that a \$4,500 portion of the penalty will

Page 14

1 be suspended for a period of two years from today's  
 2 date. And there's a payment schedule attached to the  
 3 back. I'm going to take a look at that. So it looks  
 4 like you intend to make the full \$500 payment today; is  
 5 that correct?  
 6 MR. SCOTT: Yes, Your Honor.  
 7 JUDGE PEARSON: Okay. All right. So the  
 8 penalty will be suspended for two years from today's  
 9 date, but the order to cease and desist is permanent and  
 10 it never expires. So if Staff discovers that the  
 11 company's still operating even after the two-year mark,  
 12 Staff can go straight to superior court and ask for much  
 13 higher penalties. So it's very important that you  
 14 maintain your status as a nonoperating household goods.  
 15 And there's no penalty payment arrangement, so do you  
 16 have any other questions about the order?  
 17 MR. SANTAMARIA: No.  
 18 JUDGE PEARSON: Okay. So I have signed it,  
 19 and I will hand it back to Mr. Braun, and I believe that  
 20 you will leave here with a signed copy today.  
 21 MR. BRAUN: That's correct, Your Honor.  
 22 Just a quick bit of housekeeping.  
 23 JUDGE PEARSON: Sure.  
 24 MR. BRAUN: Do you want me to submit this  
 25 with the order for part of the record or a separate

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1 docket -- or I'm sorry, a separate document?  
 2 JUDGE PEARSON: Well, I have a copy of it.  
 3 I don't -- given that you all have reached an agreement,  
 4 I don't think it necessarily needs to be entered into  
 5 the record as an exhibit. I think if there were  
 6 disputes between the parties that that would make sense,  
 7 but that it's not really necessary.  
 8 MR. BRAUN: All right. Thank you. And we  
 9 have someone checking on Mark to see where his position  
 10 is getting here.  
 11 JUDGE PEARSON: Okay. Great. All right.  
 12 Why don't I hand you back this order, and you can get a  
 13 copy.  
 14 And then once you get your copy of the  
 15 order, you're free to go. Thank you for coming today.  
 16 MR. SCOTT: Thank you, Your Honor.  
 17 JUDGE PEARSON: So we're going to go ahead  
 18 and take a five-minute recess while I wait to hear the  
 19 status of the other company that was subpoenaed to  
 20 appear here today. So we will be in recess.  
 21 (Recess taken from 9:43 a.m.  
 22 until 10:03 a.m.)  
 23 JUDGE PEARSON: All right. Let's be back on  
 24 the record. It's a little after 10:00 a.m., and there  
 25 are no new faces in the hearing room.

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1 So, Mr. Braun, I assume that Mr. Marrero has  
 2 not appeared this morning?  
 3 MR. BRAUN: That is correct.  
 4 JUDGE PEARSON: Okay. All right. So we can  
 5 go ahead and proceed with a motion for default for  
 6 Docket TV-190833, Mark Alberto Marrero, d/b/a Mark the  
 7 Mover. So I've had a chance to review that docket and  
 8 Staff's evidence that there was an offer for an  
 9 intrastate move in Washington and also advertising that  
 10 meets the statutory definition.  
 11 So what is Staff's motion for this company?  
 12 MR. BRAUN: Your Honor --  
 13 JUDGE PEARSON: Unless that's him.  
 14 Are you Mr. Marrero?  
 15 MR. MARRERO: I am.  
 16 JUDGE PEARSON: Okay. Can you please come  
 17 forward?  
 18 MR. MARRERO: Sure.  
 19 JUDGE PEARSON: You're here just in the nick  
 20 of time. We were just about to enter a default order  
 21 against you.  
 22 MR. MARRERO: Sorry.  
 23 JUDGE PEARSON: All right. So I'll just  
 24 briefly go over why you're here today and explain what  
 25 your options are, and then we'll take a break, which

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1 will give you an opportunity to talk with Mr. Braun, who  
 2 is the Commission's compliance investigator and see if  
 3 you can reach an agreed order --  
 4 MR. MARRERO: Okay.  
 5 JUDGE PEARSON: -- for this case.  
 6 So you're here because the Commission had  
 7 information that your company is or was operating or  
 8 advertising as a household goods company without a  
 9 permit, and that conduct is subject to violation -- or  
 10 penalties of up to \$5,000 per violation.  
 11 So today, you have one of two choices. You  
 12 can either agree to cease and desist operating as a  
 13 household goods carrier unless and until you get a  
 14 permit or you can contest the allegations that you were  
 15 illegally operating as a household goods carrier. And  
 16 if you do that, we'll schedule a second hearing for a  
 17 later date where you will be required to show proof that  
 18 you are not actually engaging in the conduct that Staff  
 19 alleged in the complaint that was issued against you.  
 20 So do you know how you would like to  
 21 proceed?  
 22 MR. MARRERO: Well, I'm going to contest it  
 23 I'm pretty sure. I -- I -- I -- I get why I'm here, but  
 24 I didn't -- I wasn't aware of the -- that we weren't  
 25 allowed to do that. I've been a delivery contractor in

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1 the Pacific Northwest for 25 years --  
 2 JUDGE PEARSON: Okay. So before you start  
 3 talking --  
 4 MR. MARRERO: Sure.  
 5 JUDGE PEARSON: -- let me swear you in,  
 6 okay?  
 7 MR. MARRERO: Okay.  
 8 (Mark Alberto Marrero sworn.)  
 9 JUDGE PEARSON: Okay. Go ahead and be  
 10 seated. And why don't you state your name for the  
 11 record, your whole name, and spell your last name.  
 12 MR. MARRERO: It's Mark Alberto Marrero,  
 13 M-a-r-r-e-r-o.  
 14 JUDGE PEARSON: Okay. And what's your  
 15 position with company?  
 16 MR. MARRERO: I'm the owner.  
 17 JUDGE PEARSON: Okay. All right. So go  
 18 ahead. You can continue to explain.  
 19 MR. MARRERO: Well, I mean, we've -- we're a  
 20 white glove furniture delivery service, and I've  
 21 always -- I mean, I've been doing this since before  
 22 there was a Craigslist. So I -- I -- I just didn't know  
 23 we weren't allowed to move people's boxes. But even  
 24 in -- even in what the copies of the ads that he's  
 25 questioning this on, I mean, it's pretty -- it's a

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1 wording issue. If I can change one word in my ad, he  
 2 couldn't even -- couldn't even -- this couldn't even be  
 3 happening.  
 4 I don't understand the process. I'm a  
 5 little irritated because you have my email address, it's  
 6 2020, you know, come on. I mean, you guys -- you guys  
 7 don't use telephones? He could have just called me and  
 8 told me that I can't do this. We didn't have to go  
 9 through all this.  
 10 JUDGE PEARSON: Did you receive a compliance  
 11 letter from the Commission --  
 12 MR. MARRERO: Well, he -- no, because the  
 13 address that I use when I -- so I just got back in April  
 14 of last year. I've been gone for like three years, and  
 15 I just came back April last year, start putting up ads,  
 16 and that address was like my best friend in Lynnwood,  
 17 that's where I went when I -- when I moved back here.  
 18 So I -- I retired like four years ago,  
 19 and -- and things didn't work out, and so I had to come  
 20 back to Seattle, and I'm just going back to work, that's  
 21 all. But I have a history -- I mean, I have a history  
 22 of being -- I -- I service furniture stores, that's what  
 23 I do. And I'm licensed to do it, and I've been doing it  
 24 for a really, really long time. I've always put ads on  
 25 Craigslist. I wasn't aware that we weren't allowed to

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1 move people's -- I mean, it's kind of silly when you  
 2 think about it. I can move a \$20,000 dining room set  
 3 that these people own, but I can't move their toaster.  
 4 I mean, you know what I'm saying? It's like it's -- to  
 5 me it's ridiculous, but --  
 6 JUDGE PEARSON: Is that your phone?  
 7 MR. MARRERO: Yes, ma'am, sorry.  
 8 And so I mean, it's -- I don't want to -- I  
 9 don't want to own a moving company. I never have.  
 10 That's not what my --  
 11 JUDGE PEARSON: You -- you have a common  
 12 carrier permit with the Commission?  
 13 MR. MARRERO: Yes, ma'am. It even says so  
 14 in this thing on line 13 or whatever it says, that  
 15 I'm -- yeah, page 3, it's respondent Mark Marrero is a  
 16 household goods carrier doing business in the state of  
 17 Washington because I am. I mean, that is what I do for  
 18 a living.  
 19 JUDGE PEARSON: Household goods?  
 20 MR. MARRERO: Yes, ma'am.  
 21 JUDGE PEARSON: Okay. I thought that you  
 22 just said that you didn't move house --  
 23 MR. MARRERO: I have a UB -- I have the same  
 24 UBI number for Mark the Mover, which is what he's  
 25 questioning --

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1 JUDGE PEARSON: Okay.

2 MR. MARRERO: -- is the same UBI number I've

3 had for 24 years with Mark's Furniture Delivery. All I

4 did is I just changed -- I just -- I only applied -- I

5 only opened up Mark the Mover because it just -- it

6 works on Craigslist. When I put that ad up, my phone

7 just explodes. I don't know, it's just the way it is.

8 So I got a business license for that name, but that's

9 it. Everything else is really Mark's Furniture

10 Delivery. It always has been.

11 JUDGE PEARSON: But it sounds like you are

12 admitting that you did --

13 MR. MARRERO: Yes, ma'am. But --

14 JUDGE PEARSON: -- transport boxes between

15 residences?

16 MR. MARRERO: I'm not -- yeah, I'm not --

17 I'm not disputing that -- that I -- that I've been

18 putting up ads to move people, but I can still put up

19 ads and not move their boxes. I can do all of their

20 furnishings. I can do their pool tables, their hot

21 tubs, I can do everything -- because that's what you're

22 telling me, right? That's what you're saying, right? I

23 mean, I'm not allowed to move their personal items, so

24 basically the things that go in boxes. I can move their

25 furnishings, though.

Page 22

1 JUDGE PEARSON: That's not the distinction.

2 MR. MARRERO: Okay. Well --

3 JUDGE PEARSON: The distinction is not what

4 you're moving, it's the origin of where you're moving it

5 from and the destination of where you're moving it --

6 MR. MARRERO: But I'm -- I'm not sure if

7 that's real or not because how could I be -- how does

8 that work?

9 JUDGE PEARSON: It's definitely real.

10 MR. MARRERO: Is it?

11 JUDGE PEARSON: Yes.

12 MR. MARRERO: So if I go to a furniture

13 store and I pick up the furniture there and I take it to

14 somebody's house, what if somebody buys something from

15 another person off Craigslist or off of one of the sales

16 apps? I can't go to two different residences and pick

17 up furniture?

18 JUDGE PEARSON: So these are all questions

19 that you can direct at Staff. I'm not going to argue

20 with you.

21 MR. MARRERO: Okay. Okay. I'm just asking.

22 JUDGE PEARSON: And I'm not the appropriate

23 person to ask.

24 MR. MARRERO: Okay.

25 JUDGE PEARSON: So when we take a break, you

Page 23

1 can discuss that with Staff.

2 MR. MARRERO: No problem.

3 JUDGE PEARSON: It sounds to me, though,

4 like you've already admitted that you've engaged in the

5 conduct, so asking for a hearing to dispute the

6 allegations is contradictory to what you're saying.

7 MR. MARRERO: I think this whole process is

8 contradictory because it could have all just been solved

9 with a telephone call.

10 JUDGE PEARSON: Well, you're entitled to

11 your opinion, but given --

12 MR. MARRERO: Well, I -- I --

13 JUDGE PEARSON: Don't speak over me. Given

14 that you have had a permit as a common carrier for a

15 number of years, you clearly are aware of the Commission

16 and our regulatory authority. So it's not very

17 convincing that --

18 MR. MARRERO: Okay.

19 JUDGE PEARSON: -- you didn't know you

20 needed --

21 MR. MARRERO: That's fine.

22 JUDGE PEARSON: -- a separate permit for

23 household goods.

24 MR. MARRERO: That's fine.

25 JUDGE PEARSON: So what we'll do is we'll

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1 take a recess and you can have an opportunity to discuss

2 the matter with Staff.

3 MR. MARRERO: No problem.

4 JUDGE PEARSON: And we'll go ahead and take

5 a recess, and you can come get me upstairs when you're

6 ready, okay? We'll be off the record.

7 (Recess taken from 10:11 a.m.

8 until 10:47 a.m.)

9 JUDGE PEARSON: All right. Let's be back on

10 the record.

11 So it looks like, Mr. Marrero, you signed

12 this order with Staff?

13 MR. MARRERO: Yes, ma'am.

14 JUDGE PEARSON: The agreed order?

15 Okay. And it looks like there are two

16 violations; one for advertising and one for offering a

17 move. An imposition of a \$5,000 penalty, but a \$4,500

18 portion will be suspended. And the company will make a

19 \$500 penalty payment, and it looks like you intend to

20 make that payment no later than April 15th, 2020; is

21 that correct?

22 MR. MARRERO: Correct.

23 JUDGE PEARSON: Okay. And just for the

24 record, you're agreeing to shut down the household goods

25 portion of your company unless you get a permit to

Page 25

1 conduct those operations, okay.  
 2 So the \$4,500 penalty is suspended for two  
 3 years from today's date. That means if Staff finds an  
 4 advertisement or you offer a move during that time,  
 5 you'll have to pay the \$4500 penalty. And the order to  
 6 cease and desist is permanent, it never expires. So if  
 7 Staff finds that you're operating or advertising even  
 8 after the two years, Staff can go straight to superior  
 9 court and ask for much higher penalties. So it's very  
 10 important that --  
 11 MR. MARRERO: But the advertising, as long  
 12 as we change the wording can --  
 13 JUDGE PEARSON: Correct.  
 14 MR. MARRERO: I can advertise?  
 15 JUDGE PEARSON: Correct. You can advertise  
 16 for the services that you're permitted to provide.  
 17 MR. MARRERO: Yes, ma'am.  
 18 JUDGE PEARSON: Absolutely.  
 19 Okay. And you do understand that if you  
 20 miss that payment deadline, you will have to pay the  
 21 entire \$4,500 penalty plus the 500?  
 22 Okay. So if for some reason you're going to  
 23 be late making a payment, it's just very important that  
 24 you reach out and communicate with Staff and make  
 25 arrangements for that, okay?

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1 MR. MARRERO: Mm-hmm.  
 2 JUDGE PEARSON: And remember that Commission  
 3 Staff is always available to assist you if you have any  
 4 questions, and it sounds like you've exchanged contact  
 5 information.  
 6 Okay. Do you have any additional questions?  
 7 MR. MARRERO: Nope.  
 8 JUDGE PEARSON: All right. I will sign the  
 9 order, and then I'll hand it back to Mr. Braun, and once  
 10 you get a copy of it, you are free to go.  
 11 MR. MARRERO: Okay. Thank you.  
 12 JUDGE PEARSON: All right. Anything else  
 13 from Staff?  
 14 MR. BRAUN: No, Your Honor.  
 15 JUDGE PEARSON: Okay. Then we are  
 16 adjourned. Thank you.  
 17 (Adjourned at 10:49 a.m.)  
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 20  
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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.  
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 14 Tayler Garlinghouse, CCR 3358  
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