

Docket No. TV-210308 - Vol. I

In the Matter of I Heart Movers, LLC

June 24, 2021



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Page 1	Page 3
<p>BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION</p> <hr/> <p>In the Matter of the DOCKET TV-210308 Investigation of: I Heart Movers For Compliance with WAC 480-15-560 and WAC 480-15-570</p> <hr/> <p>VIDEOCONFERENCE BRIEF ADJUDICATIVE HEARING BEFORE ADMINISTRATIVE LAW JUDGE RAYNE PEARSON</p> <hr/> <p>VOLUME I Pages 1 - 51</p> <p>June 24, 2021 1:40 p.m.</p> <p>REPORTED BY: CRYSTAL R. McAULIFFE, RPR, CCR, #2121</p>	<p>1 VIDEOCONFERENCE HEARING 2 JUNE 24, 2021 3 4 Witnesses: Page 5 SANDRA YEOMANS 17 6 Direct By Mr. Callaghan 31 7 Cross By Mr. Callaghan 8 9 MATTHEW PERKINSON 10 11 Direct By Mr. Perkinson 35 12 Cross By Mr. Taylor 43 13 Redirect by Mr. Callaghan 48 14 15 EXHIBIT INDEX 16 Exhibit No. Admitted 17 SY-1, SY-2, and SY-3 17 18 19 20 21 22 23 24 25</p>
Page 2	Page 4
<p>1 APPEARANCES 2 (All parties appeared via videoconference) 3 4 ADMINISTRATIVE LAW JUDGES: 5 RAYNE PEARSON 6 Utilities and Transportation Commission 7 1300 South Evergreen Park Drive Southwest 8 Olympia, Washington 98504 9 (360) 664-1160 10 rayne.pearson@utc.wa.gov 11 12 FOR COMMISSION STAFF: 13 NASH CALLAGHAN 14 OFFICE OF THE ATTORNEY GENERAL 15 Utilities and Transportation Commission 16 PO Box 40128 17 Olympia, Washington 98504 18 nash.callaghan@utc.wa.gov 19 20 FOR THE COMPANY: 21 DEAVON TAYLOR 22 I HEART MOVERS, LLC 23 1424 Northgate Way 24 Seattle, Washington 98133 25 206.294.6368 bookingmvr@gmail.com</p> <p>COMMISSION STAFF: SANDRA YEOMANS MATT PERKINSON</p>	<p>1 OLYMPIA, WASHINGTON; JUNE 24, 2021 2 1:40 p.m. 3 -o0o- 4 5 THE COURT: Good afternoon. This is docket 6 210308, which is captioned In the Matter of the 7 Investigation of I Heart Movers, LLC, for compliance 8 with Washington Administrative Code 480-15-560 and 9 480-15-570. 10 My name is Rayne Pearson. I'm the 11 Administrative Law Judge presiding over today's Brief 12 Adjudicative Proceeding and today is Thursday, 13 June 24th, 2021. The time is approximately 1:40 p.m. 14 On May 14th, 2021, the Commission issued a 15 Notice of Intent to Cancel and Notice of Brief 16 Adjudicative Proceeding, setting time for oral 17 statements. The Commission issued the Notice of Intent 18 to Cancel following a compliance review conducted by 19 Commission Staff and completed in April 2021, which 20 resulted in a proposed conditional safety rating for I 21 Heart Movers. 22 The company had until June 10th, 2021, to 23 file a proposed Safety Management Plan that is 24 acceptable to staff. 25 Mr. Callaghan, as of this morning, has the</p>

Page 5

1 company provided a Draft Safety Management Plan to
 2 staff?
 3 MR. CALLAGHAN: They have, Your Honor. It
 4 was not provided on June 10th. And Staff did not find
 5 it to be satisfactory.
 6 THE COURT: Okay. So before we get started,
 7 I also wanted to address the penalty assessment in
 8 Docket TV-210309 in the amount of \$19,600.
 9 The company filed an application for
 10 mitigation in that docket and requested a hearing. So
 11 I'm assuming that both parties are fine with
 12 consolidating those two dockets so we can address all of
 13 the issues here today. Is that correct?
 14 MR. CALLAGHAN: Your Honor, I -- I had not
 15 anticipated that those dockets would be consolidated.
 16 But if -- if I could consult briefly with Staff just to
 17 make sure that they are fine with that, I think they
 18 probably will be.
 19 THE COURT: Sure.
 20 MR. CALLAGHAN: Thank you, Your Honor. We
 21 are fine with proceeding with consolidating those
 22 dockets.
 23 THE COURT: Okay. And, Mr. Taylor, I assume
 24 that you are as well?
 25 MR. TAYLOR: Yes, that's fine.

Page 6

1 THE COURT: Okay. Great. Those matters are
 2 consolidated, and we will hear from the parties on both
 3 dockets this afternoon.
 4 So when I call on each party to testify, I
 5 will swear you in with oath of witness. So anything
 6 that you testify to today will be under oath and will be
 7 considered sworn testimony.
 8 For the court reporter's benefit, please
 9 speak slowly and clearly. Once you are sworn in, you
 10 can present your testimony.
 11 So let's first have Staff address -- address
 12 the proposed safety rating.
 13 Following Staff's presentation, Mr. Taylor,
 14 you can ask Staff any questions that you have; and then
 15 you can present your testimony. And at that time, you
 16 can address the violations in the penalty assessment and
 17 put forward any request for mitigation or reducing the
 18 penalty.
 19 And once you're done testifying, Staff's
 20 attorney may have some questions for you. And then
 21 Staff will make a recommendation on the penalty.
 22 Do you have any questions about this process
 23 before we get started?
 24 MR. TAYLOR: Not at the moment, no.
 25 THE COURT: Okay. And we'll walk you

Page 7

1 through it too. So let's begin by taking an appearance
 2 from Commission Staff.
 3 MR. CALLAGHAN: Thank you, Your Honor. I'm
 4 Assistant Attorney General, Nash Callaghan, appearing on
 5 behalf of Commission Staff. Present with me is Staff
 6 member Sandra Yeomans and Matthew Perkinson.
 7 THE COURT: Okay. And for the company,
 8 Mr. Taylor, if you could state your full name and
 9 address for the record, spelling your name for the court
 10 reporter, and then also include your phone number and
 11 your e-mail address.
 12 MR. TAYLOR: Deavon Diaponce Taylor.
 13 D-e-a-v-o-n, D-i-a-p-o-n-c-e, T-a-y-l-o-r. 2727
 14 Northeast 125th Street, Unit 10, Seattle, Washington
 15 98125. 206-913-9723. bookingmvr@gmail.com.
 16 THE COURT: Great. Thank you.
 17 Okay. So, Mr. Callaghan, you may proceed
 18 with the issue of the company's proposed conditional
 19 safety rating when you're ready.
 20 MR. CALLAGHAN: Thank you, Your Honor.
 21 First, if the company has no objection,
 22 Staff would offer proposed Exhibits SY-1, -2, and -3
 23 into evidence.
 24 THE COURT: Okay. Mr. Taylor, do you have
 25 any objection to those exhibits being admitted into the

Page 8

1 record?
 2 MR. TAYLOR: Just a quick question. Like,
 3 I'm extremely in deep water here, because I don't even
 4 have an idea of what's going on. So I don't even know
 5 what I would be agreeing to if I was to say yes or no,
 6 I'm pretty sure on a majority of these topics. So am I
 7 supposed to be doing this alone?
 8 THE COURT: Well, I mean, you could have
 9 hired an attorney, but most of the time people don't.
 10 So I'm pretty used to having unrepresented people here,
 11 and that's why I was saying that I'll make sure to walk
 12 you through it and answer all your questions, because I
 13 want you to be comfortable.
 14 MR. TAYLOR: Okay. Perfect. Could you just
 15 explain --
 16 THE COURT: Yes, I will. Let me just pull
 17 up the witness list real quickly so that I can explain
 18 to you exactly what the documents are.
 19 MR. TAYLOR: Okay.
 20 THE COURT: Okay. So what staff has
 21 submitted, I'm guessing, are all documents that you are
 22 familiar with. The first one is the compliance review
 23 that you would have received when you got the proposed
 24 safety rating, and then there is the Safety Management
 25 Plan that I believe you submitted.

Page 9

1 Can I just confirm that with Staff. It
2 says, "I Heart Movers, LLC, Safety Management Plan," 43
3 pages.
4 Was that the plan that the company
5 submitted?
6 MR. CALLAGHAN: That is the plan that they
7 submitted in 2020 as --
8 THE COURT: In 2020. Okay.
9 MR. CALLAGHAN: Yes. So that is not the
10 most recent Safety Management Plan.
11 THE COURT: Okay. And then we have Staff's
12 recommendation to impose the suspended penalty in that
13 previous docket, which -- was that in the notice for the
14 hearing, Mr. Callaghan?
15 MR. CALLAGHAN: Was the -- was Exhibit 3 in
16 the notice?
17 THE COURT: No. Was staff's request to
18 impose the suspended penalty from another docket in the
19 notice of hearing in the Notice of Intent to Cancel that
20 went out?
21 MR. CALLAGHAN: No. Staff was going to
22 provide it as evidence of the -- just to demonstrate
23 that the past penalties, the past issues are recurring.
24 THE COURT: Okay. So is -- I guess I need
25 clarification. Is this a new motion to impose suspended

Page 10

1 penalties? Or are you showing that a motion was made
2 and either granted or denied and disposed of in the
3 past?
4 MR. CALLAGHAN: I'm just offering it to
5 indicate what Staff's recommendation is in the next
6 docket. It's not an exhibit that proves that a decision
7 was made based on that recommendation.
8 THE COURT: Okay. I need to look at it
9 because I'm confused.
10 MR. TAYLOR: Can I have a quick minute to
11 just grab that piece of paper to find all of my
12 violations?
13 THE COURT: Yes.
14 MR. TAYLOR: Okay.
15 THE COURT: My computer is a really slow.
16 Please bear with me. It is not just promptly opening up
17 the document.
18 MR. CALLAGHAN: And, Your Honor, Exhibit 3
19 is not a crucial element of Staff's case. So if -- if
20 Your Honor is not comfortable with admitting it, we
21 would be fine with withdrawing it.
22 THE COURT: I'm trying to -- I need to go
23 into the docket and see what happened after Staff's
24 recommendation was submitted.
25 Okay. I see the suspended penalty was

Page 11

1 imposed. That was my question. So it was -- I was
2 trying to clarify whether you were seeking to impose a
3 suspended penalty in this proceeding or if this was just
4 other evidence that you wanted the Commission to take
5 into consideration.
6 MR. CALLAGHAN: Yes, this is other evidence.
7 THE COURT: Okay.
8 MR. TAYLOR: I'm going to run downstairs and
9 grab the papers really fast.
10 THE COURT: Okay. We'll just -- why don't
11 we take a brief recess until Mr. Taylor is back.
12 MR. CALLAGHAN: Thank you, Your Honor.
13 (A break was taken from
14 1:49 p.m. to 1:51 p.m.)
15 THE COURT: So we can be back on the record
16 now.
17 And, Mr. Taylor, did you grab a copy of the
18 penalty assessment with the violations?
19 MR. TAYLOR: Yes, just the -- one second.
20 It was -- it said "Final Report" on it, so I grabbed
21 that one.
22 THE COURT: Okay. Perfect. Okay. So do
23 you have any objection to Staff's exhibits?
24 And just to explain to you what they are
25 again, there was the -- the report that you were given

Page 12

1 following the State's investigation, then there was your
2 Safety Management Plan that you submitted, and then the
3 third item was the letter that you received back in May
4 when Staff requested to impose the suspended penalties,
5 which then the Commission did, by a letter that looks
6 like it was issued on May 19th.
7 MR. CALLAGHAN: And, Your Honor, if I could,
8 just to be clear, Exhibit SY-2 is the Safety Management
9 Plan that was submitted in 2020. It's not the most
10 current one.
11 THE COURT: Okay. Okay.
12 MR. TAYLOR: And is there a way -- so I've
13 submitted, like, a final draft of that.
14 Is there any way that I could have them
15 check that now and see if we could have that submitted
16 as well?
17 THE COURT: I'm not sure if they would have
18 enough time to do it now. Usually what we do in these
19 situations -- I'm really glad to hear that you have
20 it -- is to have you submit it to staff now. We'll go
21 ahead and finish the hearing and then give Staff the
22 rest of the afternoon today and then possibly part of
23 tomorrow to conduct its review. And then they would
24 give me a recommendation. Because I need to issue an
25 order by close of business tomorrow to avoid having your

Page 13

1 permit canceled.
2 So what would happen is after the hearing
3 today, Staff would review what you submitted, and then
4 they would file a recommendation, a written evaluation
5 in the docket tomorrow, and then I would issue an order
6 tomorrow afternoon based on Staff's recommendation.
7 MR. TAYLOR: Okay.
8 THE COURT: Okay. So do you have that
9 electronically? Do you want to send that over to staff
10 right now?
11 MR. TAYLOR: Yeah, I want to say I sent it
12 to Jason Sharp already, but I could resend.
13 THE COURT: Yeah, can you send it to
14 Mr. Perkinson?
15 MR. TAYLOR: Yeah. And one quick thing. So
16 the easiest way for me to share, like, the supporting
17 documents is to put them into, like, a Google Drive or
18 something. They are too big to send individually.
19 And then also I know that there are -- with
20 respect to files. So is it possible for me to share --
21 or if you could share his e-mail and then I could share
22 the Google Drive with him as well.
23 MR. CALLAGHAN: So, Your Honor, sorry, just
24 to interrupt. But Staff has access to the Safety
25 Management Plan that Mr. Taylor submitted. We -- Staff

Page 14

1 believes that it's insufficient, and we're asking to
2 move forward with the cancellation.
3 MR. TAYLOR: Go ahead.
4 THE COURT: I was just going to ask you,
5 Mr. Taylor, if this is a new version or if --
6 MR. TAYLOR: I just received -- I sent one
7 in earlier today, and then received an e-mail back from
8 Jason saying that it was insufficient. And then I just
9 sent one in maybe, like, 20 minutes ago, 30 minutes ago
10 or so.
11 THE COURT: Okay. Then, yes, please do
12 provide that link to Staff right now. And they can look
13 at your updates.
14 MR. TAYLOR: I'm going to need somebody
15 to -- well, I think Sandy has access to it. If
16 Sandra -- if it's all the same.
17 THE COURT: I'm not familiar enough with how
18 Google drives work or if it just is the same link but
19 with updated information and she can use the same link.
20 Is that how it works?
21 MR. TAYLOR: I believe so. But is it okay.
22 Can anyone accept a zip file? Because I can send it as
23 a zip file as well.
24 THE COURT: Mr. Perkinson, do you know the
25 answer to that?

Page 15

1 MR. PERKINSON: Just -- this is Mathew
2 Perkinson. To clarify, we did provide feedback to the
3 company on its initial Draft Safety Management Plan.
4 And just as Deavon said, he responded and provided
5 another version of the Safety Management Plan. Jason
6 essentially communicated to me that we've received the
7 plan, but we haven't had an opportunity to review it.
8 THE COURT: Okay.
9 MR. PERKINSON: So that's where we are right
10 now. And I don't know if that includes reviewing the
11 specific documents through Google Drive or not.
12 THE COURT: Okay. But it sounds like Staff
13 is in possession of it or has access to it and will be
14 reviewing it after the hearing today; is that correct?
15 MR. PERKINSON: Yes.
16 THE COURT: Okay.
17 MR. TAYLOR: And, Your Honor, if I could say
18 one more thing. I just want to make sure that -- if
19 Google Drive isn't the best way to do it, I would like
20 another method that they can maybe provide me that I can
21 get it to them. Just because earlier, some things
22 hadn't come through for Jason, and I had to resubmit
23 them. So I just don't want the same situation to happen
24 again, especially if there's no fixing it after, you
25 know.

Page 16

1 THE COURT: And that's -- I don't think it's
2 a final process. I think that if they can't look at --
3 look at it or open it, they will let you know.
4 MR. TAYLOR: Okay.
5 THE COURT: And make sure that they are able
6 to get a copy of that from you.
7 MR. TAYLOR: Okay.
8 THE COURT: Okay. All right. So are you
9 okay with admitting those three exhibits into the
10 record?
11 MR. TAYLOR: Yes.
12 THE COURT: All right. So we will admit
13 those and mark them as SY-1, SY-2, and SY-3.
14 (Exhibits SY-1, SY-2, and SY-3
15 were marked and admitted.)
16 THE COURT: Mr. Callaghan, if you wanted to
17 proceed with your first witness, we can do that.
18 MR. CALLAGHAN: Thank you, Your Honor.
19 Staff would call Sandra Yeomans to testify.
20 THE COURT: Okay.
21 MS. YEOMANS: Thank you. I'm ready.
22 THE COURT: Okay. Can you raise your right
23 hand? I will swear you in.
24 MS. YEOMANS: Okay.
25 THE COURT: All right. Do you swear or

Page 17

1 affirm the testimony you give today will be the truth,
 2 the whole truth, and nothing but the truth?
 3 MS. YEOMANS: I do.
 4 THE COURT: All right. Thank you very much.
 5 Mr. Callaghan, you may proceed whenever you
 6 are ready.
 7 MR. CALLAGHAN: Thank you, Your Honor.
 8 D I R E C T E X A M I N A T I O N
 9 BY MR. CALLAGHAN:
 10 **Q. Ms. Yeomans, can you please state your name and**
 11 **spell your last name for the record?**
 12 A. My name is Sandra Yeomans. And the last name is
 13 Y-e-o-m-a-n-s.
 14 **Q. And what is your current occupation?**
 15 A. I'm a Special Investigator for Utilities and
 16 Transportation Commission.
 17 **Q. How long have you been in that position?**
 18 A. Approximately six years.
 19 **Q. What does that position involve?**
 20 A. We perform compliance investigations, vehicle
 21 inspections, training, and various other duties.
 22 **Q. Were you assigned to conduct a compliance review**
 23 **of I Heart Movers in April of this year?**
 24 A. Yes.
 25 **Q. Did you write a report summarizing your review?**

Page 18

1 A. Yes.
 2 **Q. And is that report Exhibit SY-1?**
 3 A. Yes.
 4 **Q. And did you conduct a compliance review of I**
 5 **Heart Movers on April 28th, 2021?**
 6 A. I concluded it, yeah, on April 28th.
 7 **Q. Okay. And what is a compliance review? What**
 8 **are you checking?**
 9 A. We're verifying that the carrier is in
 10 compliance with all federal, state, and local rules and
 11 regulation based on the type of operation; in this case,
 12 household goods.
 13 **Q. During your review, did you find 103 critical**
 14 **violations?**
 15 A. Yes.
 16 **Q. What were those critical violations?**
 17 A. No medical exams, no criminal background checks,
 18 and no record of duty status.
 19 **Q. And why is it important for a household good**
 20 **mover to follow those safety regulations?**
 21 A. The regulations ensure that carriers operate in
 22 a safe manner and prevent accidents and also fairness
 23 within the household good industry.
 24 **Q. Does not following these regulations pose a**
 25 **danger to the company's customers and to the general**

Page 19

1 **public?**
 2 A. Yes.
 3 **Q. And during your review, did you also find**
 4 **general violations?**
 5 A. Yes. There was 43 general violations.
 6 **Q. And those violations are listed in your report?**
 7 A. Yes.
 8 **Q. Based on the violations you found in this**
 9 **review, what safety rating did I Heart Movers receive?**
 10 A. They received a conditional rating.
 11 **Q. And did you give the company notice of the**
 12 **results of the compliance review?**
 13 A. Yes, during the closing on April 28th of 2021.
 14 **Q. Okay. As part of your assignment to this case,**
 15 **did you review the company's recent history with the**
 16 **Commission?**
 17 A. Yes.
 18 **Q. Did the company receive penalties for safety**
 19 **violations in the past?**
 20 A. Yes.
 21 **Q. And did the company agree to a Safety Management**
 22 **Plan that was approved by the Commission on August 31st,**
 23 **2020, in Order One of Dockets TV-200268 and 200267?**
 24 **627. I apologize.**
 25 A. Yes.

Page 20

1 **Q. And that is -- that Safety Management Plan is**
 2 **Exhibit SY-2; correct?**
 3 A. Yes.
 4 **Q. And did the company comply with the order in**
 5 **those dockets or comply with the last Safety Management**
 6 **Plan?**
 7 A. No.
 8 **Q. Is Exhibit SY-3 a letter -- a staff letter**
 9 **indicating noncompliance with Order One of those dockets**
 10 **and recommending suspended penalties?**
 11 A. Yes.
 12 **Q. In this case, have you had any communication**
 13 **with the company since you informed it of the**
 14 **conditional safety rating?**
 15 A. Yes.
 16 **Q. And did the company ask to talk with you over**
 17 **the phone?**
 18 A. Yes.
 19 **Q. Were you available at the time the -- the**
 20 **company asked to talk with you?**
 21 A. Yes.
 22 **Q. Did the company call you or you call them at the**
 23 **times you were scheduled to talk?**
 24 A. I called them, but there was a couple of
 25 occasions that Mr. Taylor did not call me.

1 **Q. Okay. Were -- at the time that the company**
 2 **asked you to talk, were you available?**
 3 A. Yes.
 4 **Q. All right. And were you able to make contact**
 5 **with the company?**
 6 A. Not in either -- not in either case. At the
 7 times that were scheduled that he was to call me, I did
 8 not receive a call. And when arrangements were made for
 9 me to contact him, I did not get an answer.
 10 **Q. Okay. And did this -- so this occurred more**
 11 **than once?**
 12 A. Yes.
 13 **Q. Okay. According to the Notice of Intent to**
 14 **Cancel issued in this docket, was the company supposed**
 15 **to submit a Safety Management Plan by June 10th of this**
 16 **year?**
 17 A. Yes.
 18 **Q. And did they?**
 19 A. No.
 20 **Q. Has Staff reviewed the Safety Management Plan**
 21 **that the company eventually did submit?**
 22 A. Yes.
 23 **Q. And to be clear, the staff has not had the**
 24 **opportunity to review the most recently submitted**
 25 **version; correct?**

1 portion. We can always circle back, because you're
 2 going to have an opportunity to speak to each of the
 3 violations and the penalty assessment and explain to me,
 4 like, what went wrong, what you've done to fix it, and
 5 all that stuff.
 6 MR. TAYLOR: Okay. All right. No, I don't
 7 have any questions.
 8 THE COURT: Okay. All right. Well, then,
 9 Mr. Taylor, it is going to be your turn. So if you
 10 could raise your right hand and I will swear you in.
 11 MR. CALLAGHAN: Your Honor, I apologize. I
 12 was intending to call Mr. Perkinson to testify as well.
 13 THE COURT: Okay. Typically, I do that
 14 after the company testifies, because then Mr. Perkinson
 15 can provide his recommendation on the penalty after he's
 16 heard from the company on its mitigation request.
 17 MR. CALLAGHAN: My apologies.
 18 THE COURT: Okay. All right. Mr. Taylor,
 19 if you could raise your right hand. Do you swear or
 20 affirm that the testimony you give today will be the
 21 truth, the whole truth, and nothing but the truth?
 22 MR. TAYLOR: I do.
 23 THE COURT: Okay. Great. All right. So
 24 let's walk through each of the violations in the penalty
 25 assessment. And like I said, you can just briefly

1 A. Correct. Yeah. That came in right before this
 2 hearing.
 3 **Q. Okay. But, again, the company was due to submit**
 4 **that Safety Management Plan on June 10th; correct?**
 5 A. Correct.
 6 **Q. And based on the latest version of the Safety**
 7 **Management Plan submitted in this case that you've**
 8 **reviewed, is it substantially the same as the company's**
 9 **last Safety Management Plan?**
 10 A. I believe so, yes.
 11 **Q. And did the company follow its last Safety**
 12 **Management Plan?**
 13 A. No.
 14 MR. CALLAGHAN: Thank you.
 15 Your Honor, I have no further questions for
 16 Ms. Yeomans.
 17 THE COURT: Thank you.
 18 Mr. Taylor, do you have any questions for
 19 Ms. Yeomans?
 20 MR. TAYLOR: This is one of those situations
 21 where I feel like I should, but I just -- I'm so in deep
 22 water on this, you know. So I mean, I don't have --
 23 sorry, I'm not a lawyer.
 24 THE COURT: Okay. Well, I think it's okay
 25 if you don't have questions now or when we get to your

1 explain to me kind of what went wrong, and then describe
 2 what you've done to correct the violations and to
 3 prevent it from occurring again.
 4 So let's start with the first violation,
 5 which was for WAC 480-15-555 for failing to obtain
 6 criminal background checks. It looks like there were
 7 ten violations.
 8 Do you want to speak to that?
 9 MR. TAYLOR: Yeah, Your Honor. Can I print
 10 out my Safety Management Plan really fast and run and
 11 grab it? Is that okay?
 12 THE COURT: Sure. Why don't we just --
 13 that's totally fine. We'll just wait for you.
 14 MR. TAYLOR: Sorry about that.
 15 THE COURT: That's okay.
 16 (A break was taken from
 17 2:07 p.m. to 2:08 p.m.)
 18 THE COURT: Okay. Great. So would you like
 19 to just go ahead and speak to that first violation
 20 related to criminal background checks.
 21 MR. TAYLOR: And I'm just basically
 22 explaining what went wrong, pretty much?
 23 THE COURT: Yes. What went wrong?
 24 Particularly, if you could speak to, you know, what
 25 happened. Because I understand that you had a penalty

1 and a safety investigation before. So maybe, you know,
2 how -- how this happened despite having a Safety
3 Management Plan in place.

4 MR. TAYLOR: Yeah. And I do want to take
5 responsibility for things. I know sometimes, like,
6 explaining something sounds like you are trying to
7 excuse it, and I'm definitely not. But in this --

8 THE COURT: You cut out there -- you cut out
9 there for just one second. Could you repeat that last
10 sentence that you said.

11 MR. TAYLOR: I was just saying, I wanted to
12 initially just take responsibility for the -- you know,
13 all of them, just because sometimes when you are
14 explaining something, it sounds like you are trying to
15 excuse it. And I don't want it to come across like
16 that. I don't want my words to be read that way.

17 THE COURT: I appreciate that. Thank you.

18 MR. TAYLOR: So in reference to that one,
19 the three drivers that I had is Anthony, Abraham,
20 Deavon, myself, and Francis Nunez. With all of them
21 I've since -- I mean, before the -- what are we doing?
22 Background checks.

23 Yeah, I've since gained the background
24 checks for them. Like, initially, when I would hire
25 someone, my normal way of doing it was, like, hey, you

1 of employment, maybe if it was, like, a food field or
2 something like that, you would go -- you get the job and
3 then work on getting your food card. I kind of felt
4 like these things were the same as that, but you know, I
5 understand they are not now.

6 THE COURT: Okay. All right. And then the
7 next violation is for failing to maintain a rental
8 agreement with information about a leased vehicle.

9 MR. TAYLOR: Let me -- can you -- what's the
10 code for that one?

11 THE COURT: It's WAC 480-15-590, subsection
12 (4).

13 MR. TAYLOR: And then you'd just like me to
14 explain that one as well?

15 THE COURT: Yes, please.

16 MR. TAYLOR: So I actually submitted a copy
17 of what I do get from the place that I rent all my
18 equipment from. I'm pretty sure it's what you guys are
19 requesting. It's -- they give it to me beforehand. I
20 keep it in the truck, and then they send me one
21 afterwards. It has all the requirements and all the --
22 you know, the fine print that you're looking for.

23 This -- I remember last time I was
24 investigated Sandra did ask for it. This time, I
25 honestly just missed the request for it. I have them

1 know, somebody contacts me back from, like, an ad or
2 something that I meet through a friend, and be, like,
3 okay, I can be a mover. So initially when I work with
4 them, I bring paperwork for them to fill out and stuff
5 like that. Go to work with them. And then, you know,
6 try to get that paperwork back throughout time. It
7 didn't work. You know, it doesn't work.

8 That's really what happened here, especially
9 with Anthony and Frank -- Francis. I know both of them,
10 and they just wouldn't get the paperwork back to me in
11 the fashion that I needed it back. And then some
12 incidents, you know, it would just turn into, like, kind
13 of an afterthought at some point.

14 Myself, I really didn't know that was a
15 thing. Like, I didn't know I was supposed to fill
16 out -- sorry -- do a background check on myself, being
17 that I was the owner.

18 But since talking to Sandra and going
19 through this whole process, I understand the difference
20 between operator/owner, and that I'm also required to
21 conduct background checks and, you know, basically hold
22 myself to the same standard that I would an employee.

23 THE COURT: Okay. So you feel like you have
24 gained a better understanding of the requirements now?

25 MR. TAYLOR: For sure. I -- in my history

1 all in my e-mails. They e-mail me every single one, so
2 I could have provided them. I just -- I genuinely did
3 not see or hear the request for them this round.

4 THE COURT: Okay. So you're saying that you
5 had them in your possession but you failed to provide
6 them?

7 MR. TAYLOR: Yeah. I submitted one in the
8 Safety Management Plan as well, as a supporting
9 document.

10 THE COURT: Okay.

11 MR. TAYLOR: Just like a recent -- just a
12 recent one that I received recently, you know.

13 THE COURT: Okay. And then it looks like
14 there was a violation of 49 CFR Section 391.11(b)(5). I
15 think it was for you driving with a suspended commercial
16 driver's license.

17 MR. TAYLOR: It was my little brother.

18 THE COURT: Okay.

19 MR. TAYLOR: I had found out that it was
20 suspended. It was kind of anticipating him coming back.
21 Just being a business owner, you kind of want drivers.
22 He told me that he fixed the issues and his license was
23 not suspended. I took his word for it and then later
24 found out different.

25 THE COURT: Okay. Has that been corrected

1 now?
 2 MR. TAYLOR: Yeah. Before I -- I mean, I'll
 3 never take somebody's word for it again. He's not going
 4 to work as a driver any longer. But even going forward,
 5 anyone else I'm just going to pull an abstract before I
 6 let them back on the road.
 7 THE COURT: Okay. All right. Then the next
 8 violation is 49 CFR Section 391.45(a), failing to
 9 require employees to be medically examined and
 10 certified. This is the medical card violation.
 11 MR. TAYLOR: Yes. That is the same three
 12 people, I think. It is going to be myself, Francis, and
 13 Anthony. And this is another thing where I kind of felt
 14 like it was something -- like, as long as you are in the
 15 process of getting it done, you're kind of getting it
 16 done. They did obtain their medical cards.
 17 And then the other one was myself. And
 18 again, I didn't know that I was supposed to personally
 19 have a medical card to verify my health, being that I
 20 know my health personally. I'm sorry if that was, like,
 21 word salad.
 22 THE COURT: You're fine. So do you have
 23 your medical card now?
 24 MR. TAYLOR: I do, yes.
 25 THE COURT: Everyone does?

1 Using a commercial motor vehicle that was not
 2 periodically inspected. There was one violation for
 3 that.
 4 MR. TAYLOR: Yeah. On this one I purchased
 5 the vehicle new. Well, not new used, but from a good
 6 lot. I -- I didn't -- I probably should have known that
 7 I was -- like, when I get it off the lot, to go get it
 8 inspected, like, initially, but I didn't. I just didn't
 9 do it. I mean, that's totally on me.
 10 So once I do get the vehicle -- it's out of
 11 service right now, so I'm not using it. But once I do
 12 get the vehicle fixed, I intend to take it somewhere to
 13 get it annually inspected, and then follow up with that
 14 using Google calendars between me and Lorena, who is
 15 going to be helping me a lot on this type of stuff.
 16 THE COURT: Okay. All right. Does staff
 17 have any questions for Mr. Taylor?
 18 MR. CALLAGHAN: I -- I do have a few, Your
 19 Honor.
 20 THE COURT: Okay. Go ahead.
 21 MR. CALLAGHAN: Okay. Thank you.
 22 C R O S S - E X A M I N A T I O N
 23 BY MR. CALLAGHAN:
 24 **Q. Mr. Taylor, I believe -- although, correct me if**
 25 **I'm wrong. I believe I heard that you said that prior**

1 MR. TAYLOR: Anthony and Francis does as
 2 well. But Anthony is no longer going to be working for
 3 me.
 4 THE COURT: Okay. All right. And then 49
 5 CFR Section 395.8(a)(1). Failing to require drivers to
 6 make a record of duty status.
 7 MR. TAYLOR: Yeah, absolutely my fault. I
 8 mean, this is something I ask them to do. When they
 9 just kind of don't do it, then it kind of becomes an
 10 afterthought. I'll stop asking for them; they will stop
 11 doing them.
 12 I most likely am going to just do it myself
 13 going forward. It is a lot easier for me rather than
 14 keeping up with individuals, like, over and over and
 15 over asking them to do it. One second. Let me just
 16 read off of my -- okay.
 17 So how I'm going to do it is bi-weekly. I'm
 18 basically just going to do my payroll off of it. I'll
 19 periodically see it because every time, like, every
 20 three days or two or something, when I get the invoices,
 21 I'll just put the hours that they worked in there. So I
 22 will be able to make sure that they are not exceeding
 23 their working or driving hours.
 24 THE COURT: Okay. All right. And then
 25 finally is the violation of 49 CFR part 396.17(a).

1 **to this compliance review, you did not know that the**
 2 **criminal background check was a requirement; is that**
 3 **right?**
 4 A. Repeat that one more time.
 5 **Q. I believe that you said that prior to this case,**
 6 **you didn't know that the criminal background check was**
 7 **required?**
 8 A. I -- I stated that -- well, true and false. I
 9 stated that I did not know that it was a requirement
 10 before hiring. I felt like it was something that could
 11 happen during the process of hiring.
 12 **Q. Okay. Do you remember the 2020 case in which**
 13 **you were assessed penalties?**
 14 A. Portions of it, of course.
 15 **Q. Okay. Do you remember as part of that case, you**
 16 **agreed -- you didn't contest that the violations had**
 17 **occurred?**
 18 A. I mitigated, I believe. Is that what you're
 19 asking? I'm sorry.
 20 **Q. Did you contest whether the violations had, in**
 21 **fact, occurred?**
 22 A. No. No.
 23 **Q. Okay. And do you recall receiving a part of**
 24 **your penalty was for five violations of failing to**
 25 **complete a criminal background check?**

1 A. Do I remember receiving the penalties, the
 2 dollar amount? I'm not too sure -- or the amount of
 3 infractions or violations.
 4 **Q. I guess my question is do you remember receiving**
 5 **five violations for failure to complete background**
 6 **checks on -- on the -- the people that the carrier**
 7 **intended to hire?**
 8 A. Yes. I remember receiving violations. As I
 9 said, although I don't remember the -- the string
 10 number. But if it is five, it is five. I'll agree with
 11 you.
 12 **Q. Okay. So it seems like you did know that the**
 13 **criminal background check was a requirement?**
 14 A. Of course, as I said, I just felt like it was
 15 something that could happen in the process of hiring
 16 someone, rather than before they ever worked. I didn't
 17 know about the "before they ever worked" part.
 18 **Q. Okay. And so you stated that -- I believe you**
 19 **stated that you've since either received criminal**
 20 **background checks for your employees or that those**
 21 **individuals are no longer working for you; is that**
 22 **correct?**
 23 A. Yes.
 24 **Q. And have you provided Commission Staff with**
 25 **evidence of that?**

1 Mr. Perkinson?
 2 MR. CALLAGHAN: I do, Your Honor.
 3 THE COURT: Okay. All right.
 4 Mr. Perkinson, if you could raise your right
 5 hand, I'll swear you in.
 6 Do you swear or affirm that the testimony
 7 you give today will be the truth, the whole truth, and
 8 nothing but the truth.
 9 MR. PERKINSON: I do.
 10 THE COURT: Go ahead, Mr. Callaghan.
 11 MR. CALLAGHAN: Thank you, Your Honor.
 12 **D I R E C T E X A M I N A T I O N**
 13 **BY MR. CALLAGHAN:**
 14 **Q. Mr. Perkinson, could you please state your name**
 15 **and spell your last name for the record?**
 16 A. It's Matthew Perkinson. P-e-r-k-i-n-s-o-n.
 17 **Q. Where do you work?**
 18 A. I work at the Utilities and Transportation
 19 Commission in the Transportation Safety Division.
 20 **Q. And how long have you been in that position?**
 21 A. About two years.
 22 **Q. What does your position involve?**
 23 A. As it relates to this docket, I make final
 24 recommendations to the Commission of motor carrier
 25 safety compliance reviews or interventions that result

1 A. Yeah. In the most recent, I guess,
 2 quote/unquote, update -- for lack of a better word -- in
 3 the Google Drive, yes, they are all in there.
 4 **Q. Okay. And is that also the case for the medical**
 5 **examinations?**
 6 A. Yes.
 7 **Q. Okay.**
 8 A. I did put Anthony's in there just because. Just
 9 so that you guys could see that I do it. But as I said,
 10 he no longer works for me.
 11 **Q. Okay. And was that evidence of the updated**
 12 **criminal background checks and medical examinations, was**
 13 **that provided in the most recent copy of the Safety**
 14 **Management Plan that was submitted today?**
 15 A. Well, yeah, it should be. But the thing is, is
 16 I'm not -- so, you know, being like tech savvy is
 17 relative. I'm just using Google Drive to put everything
 18 in there so I would assume that Jason would have it and
 19 maybe everybody has ahold of it. But if you guys don't,
 20 as I said, just give me a good way to send it to you.
 21 And I can send it via that method.
 22 MR. CALLAGHAN: Okay. I have no further
 23 questions for Mr. Taylor. Thank you.
 24 THE COURT: All right.
 25 Mr. Callaghan, did you want to call

1 in penalty assessments or motor carrier safety
 2 violations dealing with permit cancellations. I also
 3 make sure that the work is done consistently with the
 4 Commission's enforcement policy.
 5 **Q. All right. And during your time at the**
 6 **Commission, have you ever worked on compliance issues**
 7 **with I Heart Movers?**
 8 A. Yes.
 9 **Q. Are you generally aware of I Heart Movers'**
 10 **enforcement history with the Commission?**
 11 A. Yes, I am.
 12 **Q. Does I Heart Movers have a history of violating**
 13 **safety regulations?**
 14 A. Yes, it does.
 15 **Q. Has the Commission imposed penalties on I Heart**
 16 **Movers for violating safety regulations in the past?**
 17 A. Yes.
 18 **Q. And did Commission Staff discover safety**
 19 **violations during a previous compliance review?**
 20 A. Yes, it did. Between April and July of 2020.
 21 **Q. Did Staff work with the company to develop a**
 22 **Safety Management Plan to help the company avoid future**
 23 **safety violations?**
 24 A. Yeah. Any company that -- any provisional
 25 household goods company that receives a conditional

1 safety rating is afforded an opportunity to develop a
 2 Safety Management Plan to gain compliance and upgrade
 3 its rating.
 4 Our team worked with the company in this case,
 5 and the company developed a Safety Management Plan that
 6 was ultimately accepted back then.
 7 **Q. And in that previous case, did the company agree**
 8 **to the conditions that staff hoped would lead to**
 9 **compliance?**
 10 A. Yes. The company agreed to not commit repeat
 11 violations and follow its own approved Safety Management
 12 Plan.
 13 **Q. And are you the supervisor of the Commission**
 14 **staff member who conducted that compliance review?**
 15 A. Jason Sharp supervises the motor carrier safety
 16 team, and I'm Jason Sharp's manager.
 17 **Q. What were the results of the compliance review?**
 18 A. Generally speaking, my team documented 16
 19 violation types, including 240 occurrences of safety
 20 requirement violations, and proposed a conditional
 21 safety rating for the company.
 22 **Q. After the compliance review in April of this**
 23 **year found safety violations that resulted in a**
 24 **conditional safety rating, what did staff decide was the**
 25 **appropriate response for enforcement?**

1 **that was submitted before today?**
 2 A. Yes.
 3 **Q. And why is that version of the Safety Management**
 4 **Plan that the company submitted to Staff in this case**
 5 **insufficient?**
 6 A. Again, Staff worked with the company on its --
 7 we'll call it first version, first draft of the Safety
 8 Management Plan. Ultimately, the company failed to put
 9 into practice what it put on paper.
 10 Staff believes that given the opportunity, the
 11 company will likely, again, fail to implement any Safety
 12 Management Plan that it adopts.
 13 And then, as you know, the most recent one was
 14 submitted today and Staff has not yet had an opportunity
 15 to review that as it was submitted beyond the deadline
 16 and at the final hour of this hearing.
 17 **Q. I Heart Movers is currently operating with a**
 18 **provisional permit; correct?**
 19 A. Yes.
 20 **Q. What is the purpose of a provisional permit?**
 21 A. It would be to allow new household goods
 22 companies time and an opportunity to demonstrate that
 23 they can operate safely within the parameters set by the
 24 Commission safety rules. It would also allow the
 25 Commission to intervene and help companies gain

1 A. Our team recommended that the Commission issue
 2 Notice of Intent to cancel the company's provisional
 3 operating authority.
 4 **Q. All right. Given the company's history with the**
 5 **Commission, would any other enforcement action be**
 6 **sufficient?**
 7 A. Staff would say that the company neglected its
 8 commitment to comply with its own Safety Management Plan
 9 and the safety requirements imposed on other household
 10 goods companies by the Washington State legislature and
 11 the UTC.
 12 Our team has, on numerous occasions, provided
 13 technical assistance, repeatedly tried to assist the
 14 company. Despite those attempts, the company continued
 15 to allow unqualified drivers to operate commercial
 16 vehicles, not following recommended inspection
 17 maintenance schedules.
 18 And so to answer your question, Staff does
 19 believe that the company doesn't take safety seriously.
 20 It doesn't see safety as a priority, and definitely
 21 feels the current enforcement action is appropriate,
 22 given the company's demonstrated past behaviors.
 23 **Q. Okay. And while staff hasn't had time to review**
 24 **the latest draft of the Safety Management Plan, have you**
 25 **reviewed a recent draft of the Safety Management Plan**

1 compliance with safety regulations. Essentially, the
 2 provisional permit rules were created to increase public
 3 safety and consumer protection.
 4 **Q. So if during a company's provisional period the**
 5 **Commission finds serious safety violations, should the**
 6 **Commission allow it to continue to operate?**
 7 A. No. No.
 8 **Q. Okay. If a company can't pass a provisional**
 9 **period without safety violations, does it raise concerns**
 10 **that the company would be able to follow those**
 11 **regulations in the long term?**
 12 A. Yes. Certainly.
 13 **Q. And, Mr. Perkinson, you've heard Mr. Taylor's**
 14 **testimony today regarding miscommunications or his**
 15 **belief about what the safety regulations required with**
 16 **respect to criminal background checks and medical**
 17 **examinations.**
 18 **In your experience, would staff, when giving**
 19 **technical assistance, typically explain to a company**
 20 **what's required after their first instance of violating**
 21 **these kinds of critical regulations?**
 22 A. Sure. Yes.
 23 **Q. And so, is it your belief that after the 2020**
 24 **case, it's more than likely that -- that I Heart**
 25 **Movers -- that it was explained that the criminal**

1 **background check and a medical examination was necessary**
2 **before an employee began to operate?**

3 A. Yeah. I believe that that would have been
4 covered. It's certified on the application. It's
5 something that is addressed when the company is new
6 during the first visit by the investigator. If there
7 was a violation, they would have provided technical
8 assistance on that. It was then addressed in the Safety
9 Management Plan.

10 And working with Jason Sharp, the supervisor, on
11 a plan that was accepted, that would be a few times that
12 the criminal background check requirement would have
13 been brought up.

14 **Q. So is it -- sorry. Continue.**

15 A. I just said, you know, as an example.

16 **Q. So is it concerning to you that Mr. Taylor**
17 **stated today that he had previously been unaware that**
18 **these were required before an employee starts operating?**

19 A. Yeah, I wouldn't necessarily believe that.
20 There's been a lot of technical assistance and a lot of
21 resource provided to the company to educate them on all
22 aspects of safety.

23 **Q. All right. And does staff believe that it's in**
24 **the public interest to cancel I Heart Movers'**
25 **provisional permit?**

1 A. Yes. Yes. Staff believes that the company has
2 repeatedly failed to resolve its critical safety
3 violations, despite the technical assistance that I've
4 referred to. Ultimately, staff believes that the
5 company is incapable of operating safely; that it
6 doesn't prioritize safety, and it doesn't have the
7 necessary management controls in place. And given the
8 company's failure to comply with mandatory safety laws,
9 there are strong indications that the company would be
10 involved in a crash involving a commercial motor
11 vehicle.

12 **Q. Does Staff -- would Staff's opinion change if**
13 **the newest Safety Management Plan contained evidence**
14 **that all of the critical violations found in -- in the**
15 **compliance review have since been resolved?**

16 A. Staff's recommendation would not change with
17 those violations being resolved. Again, what we've seen
18 is just repeated failure, you know, spoken word or
19 things written down but not followed through on and a
20 lack of management controls put in place by the company,
21 which is a direct impact of public safety.

22 **Q. Okay. Thank you.**

23 MR. CALLAGHAN: Your Honor, I have no
24 further questions.

25 THE COURT: Okay. Thank you.

1 So, Mr. Perkinson, just to clarify. So it
2 is Staff's position that regardless of whether the
3 Safety Management Plan is acceptable, you still want to
4 move forward with canceling the company's permit?

5 THE WITNESS: That is staff's
6 recommendation; yes, Your Honor.

7 THE COURT: Okay. So at this point it
8 wouldn't matter what the Safety Management Plan looked
9 like. So does that mean that you don't intend to submit
10 any kind of evaluation about it?

11 THE WITNESS: I think that we can provide
12 that recommendation now. We would be happy to take a
13 look at it. But yeah, a recommendation would be to
14 cancel. I think that the -- the efforts that the
15 company have made might go toward the request for
16 mitigation in the other penalty or the recommendation
17 today would be to cancel the operating moving company.

18 THE COURT: Okay.

19 Mr. Taylor, do you have any questions for
20 Mr. Perkinson?

21 MR. TAYLOR: Yeah, I do, actually.

22 C R O S S - E X A M I N A T I O N

23 BY MR. TAYLOR:

24 **Q. So, Mr. Perkinson, you -- not the one that I**
25 **sent in, like the most recent one, but you have received**

1 **a copy of, like, the 2021 Safety Management Plan?**

2 A. Yeah. What I received was narrative from Jason
3 Sharp's supervisor who has been communicating with you
4 and what he identified. You know, I was copied on some
5 e-mails, but he highlighted the areas that were
6 insufficient and incomplete.

7 **Q. And as well, have you seen any of the supporting**
8 **documents?**

9 A. I did not see the supporting document, no.

10 **Q. Okay. So you're not aware that my movers have**
11 **medical cards, have had medical cards, have had**
12 **background checks, have background checks, et cetera?**

13 A. Like I said, I haven't seen the physical
14 documents, but I can take your word for that.

15 **Q. Okay.**

16 MR. TAYLOR: Yeah. That's all the questions
17 I have.

18 THE COURT: Okay. Thank you. So it sounds
19 like, regardless of what Staff's position is on the
20 Safety Management Plan, the recommendation will be to
21 move forward with the cancellation.

22 Does Staff want to submit its recommendation
23 with respect to the penalty after the hearing? Do you
24 want time to look at the Safety Management Plan and make
25 your recommendation on mitigation in a written


1 evaluation that you will submit to me later today or
 2 tomorrow?
 3 MR. PERKINSON: Yeah, that sounds
 4 reasonable.
 5 THE COURT: Okay. All right. So just to be
 6 clear, it sounds like Staff's recommendation -- there's
 7 nothing that the company could do at this point to
 8 redeem itself in Staff's eyes.
 9 MR. PERKINSON: Yeah. Again, without the
 10 specifics in the Safety Management Plan, I think we
 11 have -- Staff has a general idea about a recommendation.
 12 And it would be to mitigate a portion of the penalty
 13 related to medical cards. I think there was about 90
 14 violations on that new penalty. So staff is looking --
 15 would look to mitigate about \$9,600 of the penalty and
 16 suspend the remaining portion of the penalty, assuming
 17 that the company is not found to be operating without a
 18 permit again. And then, you know, ultimately, if it
 19 does intend to come back, that it would correct and
 20 resolve any and all violations that lead to the
 21 cancellation.
 22 MR. TAYLOR: Can I say something really
 23 quickly?
 24 THE COURT: Sure.
 25 MR. TAYLOR: I'm not sure that it's -- but

1 labor-only moving services. You just could not use
 2 vehicles any more, because this is really about the
 3 safety related to those vehicles.
 4 MR. TAYLOR: Okay. Yes. Understood. And
 5 is there some form of re-submission or --
 6 THE COURT: There is a 30-day window when a
 7 permit is canceled that you can apply for reinstatement
 8 without having to file a new application.
 9 And so if you were able to work with Staff
 10 and somehow satisfactorily come into compliance to where
 11 Staff felt comfortable, that is certainly a possibility.
 12 But I am not able to speak to whether -- what Staff's
 13 position would be on that or whether Staff is open to
 14 that. But there is a 30-day window after cancellation
 15 to seek reinstatement without having to pay a new
 16 application fee and go through the new application
 17 process. And then after 30 days, if you wanted to begin
 18 moving again with vehicles, you would need to submit a
 19 brand new application.
 20 MR. TAYLOR: Okay.
 21 THE COURT: Okay. Is there anything further
 22 that we need to address here today?
 23 MR. CALLAGHAN: Your Honor, if I could, I'd
 24 ask -- I would like to ask Mr. Perkinson two follow-up
 25 questions in response to some of your questions.

1 just to what he said. The 90 infractions, they were all
 2 on myself. Probably 80 something of them was on me.
 3 And as I said, just being a first-time operator /owner,
 4 especially with a moving company, I had zero idea that I
 5 needed a medical card as well.
 6 I mean, in terms of Anthony and Francis,
 7 they have their medical cards. But when I had the
 8 inspection, I believe -- or investigation, I believe,
 9 and they probably take up, maybe, six or seven, or maybe
 10 15, max or something, of the violations. I just wanted
 11 that to be said.
 12 THE COURT: Okay. Thank you for clarifying.
 13 And just to be clear, Mr. Taylor, in the
 14 event that the Commission does cancel your permit, you
 15 will be required to immediately cease and desist from
 16 operating as a household goods company.
 17 I'm not sure if you're familiar with the
 18 Commission's rules related to household goods moving.
 19 It would not stop you from providing labor-only service.
 20 We don't regulate labor-only moving service. We
 21 regulate companies that use vehicles to transport
 22 household goods.
 23 So I just want to make that clear that it
 24 would not require you to completely shut down your
 25 business. You would still have the option of providing

1 THE COURT: Okay.
 2 MR. CALLAGHAN: Thank you, Your Honor.
 3 R E D I R E C T E X A M I N A T I O N
 4 BY MR. CALLAGHAN:
 5 **Q. Mr. Perkinson, as part of your review of this**
 6 **case, did you review the order from August of 2020 in**
 7 **the last case in which I Heart Movers received suspended**
 8 **penalties for safety violations?**
 9 A. Yes, I did.
 10 **Q. And did -- are the critical violations that**
 11 **occurred in this case, did I Heart Movers also receive**
 12 **penalties for those same critical violations,**
 13 **specifically criminal background checks, using drivers**
 14 **that are not medically examined or certified, and having**
 15 **no records of duty status, were those all violations**
 16 **that occurred in 2020?**
 17 A. Yes, I believe they were.
 18 **Q. All right. So these are repeat violations;**
 19 **correct?**
 20 A. Correct.
 21 **Q. And is that why Staff's recommendation is to**
 22 **cancel regardless of whether or not those violations**
 23 **have since been cured?**
 24 A. Yes. I mean, just to clarify. Staff recognizes
 25 that rules are complex. They can be difficult to learn

1 to get up to speed. But the general position is that
 2 the company was afforded multiple opportunities to
 3 resolve its issues. It failed to do that and staff
 4 feels obligated to put a recommendation forward to
 5 cancel the company in the public interest of safety.
 6 **Q. Thank you.**
 7 MR. CALLAGHAN: No further questions, Your
 8 Honor.
 9 THE COURT: Okay. Thank you very much.
 10 Anything further from you, Mr. Taylor?
 11 MR. TAYLOR: No.
 12 THE COURT: All right. And Staff, nothing
 13 further from you either; correct?
 14 MR. CALLAGHAN: Nothing further, Your Honor.
 15 Thank you.
 16 THE COURT: All right. Thank you all so
 17 much for coming here today. And like I said, I will be
 18 looking for Staff's written evaluation and final
 19 recommendation, and I will issue an order before close
 20 of business tomorrow.
 21 Is that -- is that right, Mr. Callaghan? Or
 22 do I have until close of business Monday?
 23 MR. CALLAGHAN: I would have to check, Your
 24 Honor. I believe it's close of business tomorrow. But
 25 I can double-check.

1 CERTIFICATE
 2
 3
 4 STATE OF WASHINGTON)
) ss.
 5 COUNTY OF KITSAP)
 6
 7 I, CRYSTAL R. McAULIFFE, a Certified Court
 8 Reporter in and for the State of Washington, do hereby
 9 certify that the foregoing transcript of the
 10 videoconference Brief Adjudicative Hearing, on JUNE 24,
 11 2021, is true and accurate to the best of my knowledge,
 12 skill and ability.
 13 IN WITNESS WHEREOF, I have hereunto set my hand
 14 and seal this 8th day of July, 2021.
 15
 16
 17 
 18 CRYSTAL R. McAULIFFE, RPR, CCR #2121
 19
 20
 21
 22
 23
 24
 25



1 THE COURT: Okay. So it will either be
 2 tomorrow or Monday. All right. So thank you all again
 3 for coming, and we are adjourned.
 4
 5 (Hearing concluded at 2:40 p.m.)
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A	agreement 27:8 ahead 12:21 14:3 24:19 31:20 35:10 ahold 34:19 allow 38:15 39:21 39:24 40:6 amount 5:8 33:2,2 annually 31:13 answer 8:12 14:25 21:9 38:18 Anthony 25:19 26:9 29:13 30:1,2 46:6 Anthony's 34:8 anticipated 5:15 anticipating 28:20 apologies 23:17 apologize 19:24 23:11 appearance 7:1 APPEARANCES 2:1 appeared 2:2 appearing 7:4 application 5:9 41:4 47:8,16,16 47:19 apply 47:7 appreciate 25:17 appropriate 37:25 38:21 approved 19:22 37:11 approximately 4:13 17:18 April 4:19 17:23 18:5,6 19:13 36:20 37:22 areas 44:5 arrangements 21:8 asked 20:20 21:2 asking 14:1 30:10 30:15 32:19 aspects 41:22 assessed 32:13 assessment 5:7	6:16 11:18 23:3 23:25 assessments 36:1 assigned 17:22 assignment 19:14 assist 38:13 assistance 38:13 40:19 41:8,20 42:3 Assistant 7:4 assume 5:23 34:18 assuming 5:11 45:16 attempts 38:14 attorney 2:10 6:20 7:4 8:9 August 19:22 48:6 authority 38:3 available 20:19 21:2 avoid 12:25 36:22 aware 36:9 44:10	32:5,18 33:18 38:19 41:3,19,23 46:8,8 48:17 49:24 believes 14:1 39:10 42:1,4 benefit 6:8 best 15:19 51:11 better 26:24 34:2 beyond 39:15 bi-weekly 30:17 big 13:18 bookingmvr@s... 2:17 7:15 Box 2:11 brand 47:19 break 11:13 24:16 brief 1:10 4:11,15 11:11 51:10 briefly 5:16 23:25 bring 26:4 brother 28:17 brought 41:13 business 12:25 28:21 46:25 49:20 49:22,24	49:23 called 20:24 cancel 4:15,18 9:19 21:14 38:2 41:24 43:14,17 46:14 48:22 49:5 canceled 13:1 47:7 canceling 43:4 cancellation 14:2 44:21 45:21 47:14 cancellations 36:2 captioned 4:6 card 27:3 29:10,19 29:23 46:5 cards 29:16 44:11 44:11 45:13 46:7 carrier 18:9 33:6 35:24 36:1 37:15 carriers 18:21 case 10:19 18:11 19:14 20:12 21:6 22:7 32:5,12,15 34:4 37:4,7 39:4 40:24 48:6,7,11 CCR 1:25 51:18 cease 46:15 certainly 40:12 47:11 certified 29:10 41:4 48:14 51:7 certify 51:9 cetera 44:12 CFR 28:14 29:8 30:5,25 change 42:12,16 check 12:15 26:16 32:2,6,25 33:13 41:1,12 49:23 checking 18:8 checks 18:17 24:6 24:20 25:22,24 26:21 33:6,20 34:12 40:16 44:12 44:12 48:13 circle 23:1 clarification 9:25
	B		C	
ability 51:12 able 16:5 21:4 30:22 40:10 47:9 47:12 Abraham 25:19 absolutely 30:7 abstract 29:5 accept 14:22 acceptable 4:24 43:3 accepted 37:6 41:11 access 13:24 14:15 15:13 accidents 18:22 accurate 51:11 action 38:5,21 ad 26:1 address 5:7,12 6:11 6:11,16 7:9,11 47:22 addressed 41:5,8 adjourned 50:3 Adjudicative 1:10 4:12,16 51:10 Administrative 1:11 2:4 4:8,11 admit 16:12 admitted 3:12 7:25 16:15 admitting 10:20 16:9 adopts 39:12 affirm 17:1 23:20 35:6 afforded 37:1 49:2 afternoon 4:5 6:3 12:22 13:6 afterthought 26:13 30:10 ago 14:9,9 agree 19:21 33:10 37:7 agreed 32:16 37:10 agreeing 8:5	back 11:11,15 12:3 14:7 23:1 26:1,6 26:10,11 28:20 29:6 37:6 45:19 background 18:17 24:6,20 25:22,23 26:16,21 32:2,6 32:25 33:5,13,20 34:12 40:16 41:1 41:12 44:12,12 48:13 based 10:7 13:6 18:11 19:8 22:6 basically 24:21 26:21 30:18 bear 10:16 began 41:2 behalf 7:5 behaviors 38:22 belief 40:15,23 believe 8:25 14:21 22:10 31:24,25	C 17:8 31:22 35:12 43:22 48:3 51:1,1 calendars 31:14 call 6:4 16:19 20:22 20:22,25 21:7,8 23:12 34:25 39:7 Callaghan 2:10 3:5 3:5,8 4:25 5:3,14 5:20 7:3,4,17,20 9:6,9,14,15,21 10:4,18 11:6,12 12:7 13:23 16:16 16:18 17:5,7,9 22:14 23:11,17 31:18,21,23 34:22 34:25 35:2,10,11 35:13 42:23 47:23 48:2,4 49:7,14,21		

<p>clarify 11:2 15:2 43:1 48:24</p> <p>clarifying 46:12</p> <p>clear 12:8 21:23 45:6 46:13,23</p> <p>clearly 6:9</p> <p>close 12:25 49:19 49:22,24</p> <p>closing 19:13</p> <p>code 4:8 27:10</p> <p>come 15:22 25:15 45:19 47:10</p> <p>comfortable 8:13 10:20 47:11</p> <p>coming 28:20 49:17 50:3</p> <p>commercial 28:15 31:1 38:15 42:10</p> <p>Commission 1:2 2:5,9,11,19 4:14 4:17,19 7:2,5 11:4 12:5 17:16 19:16 19:22 33:24 35:19 35:24 36:6,10,15 36:18 37:13 38:1 38:5 39:24,25 40:5,6 46:14</p> <p>Commission's 36:4 46:18</p> <p>commit 37:10</p> <p>commitment 38:8</p> <p>communicated 15:6</p> <p>communicating 44:3</p> <p>communication 20:12</p> <p>companies 38:10 39:22,25 46:21</p> <p>company 2:14 4:22 5:1,9 7:7,21 9:4 15:3 19:11,18,21 20:4,13,16,20,22 21:1,5,14,21 22:3 22:11 23:14,16 36:21,22,24,25</p>	<p>37:4,5,7,10,21 38:7,14,14,19 39:4,6,8,11 40:8 40:10,19 41:5,21 42:1,5,9,20 43:15 43:17 45:7,17 46:4,16 49:2,5</p> <p>company's 7:18 18:25 19:15 22:8 38:2,4,22 40:4 42:8 43:4</p> <p>complete 32:25 33:5</p> <p>completed 4:19</p> <p>completely 46:24</p> <p>complex 48:25</p> <p>compliance 1:7 4:7 4:18 8:22 17:20 17:22 18:4,7,10 19:12 32:1 35:25 36:6,19 37:2,9,14 37:17,22 40:1 42:15 47:10</p> <p>comply 20:4,5 38:8 42:8</p> <p>computer 10:15</p> <p>concerning 41:16</p> <p>concerns 40:9</p> <p>concluded 18:6 50:5</p> <p>conditional 4:20 7:18 19:10 20:14 36:25 37:20,24</p> <p>conditions 37:8</p> <p>conduct 12:23 17:22 18:4 26:21</p> <p>conducted 4:18 37:14</p> <p>confirm 9:1</p> <p>confused 10:9</p> <p>consideration 11:5</p> <p>considered 6:7</p> <p>consistently 36:3</p> <p>consolidated 5:15 6:2</p> <p>consolidating 5:12</p>	<p>5:21</p> <p>consult 5:16</p> <p>consumer 40:3</p> <p>contact 21:4,9</p> <p>contacts 26:1</p> <p>contained 42:13</p> <p>contest 32:16,20</p> <p>continue 40:6 41:14</p> <p>continued 38:14</p> <p>controls 42:7,20</p> <p>copied 44:4</p> <p>copy 11:17 16:6 27:16 34:13 44:1</p> <p>correct 5:13 15:14 20:2 21:25 22:1,4 22:5 24:2 31:24 33:22 39:18 45:19 48:19,20 49:13</p> <p>corrected 28:25</p> <p>COUNTY 51:5</p> <p>couple 20:24</p> <p>course 32:14 33:14</p> <p>court 4:5 5:6,19,23 6:1,8,25 7:7,9,16 7:24 8:8,16,20 9:8 9:11,17,24 10:8 10:13,15,22 11:7 11:10,15,22 12:11 12:17 13:8,13 14:4,11,17,24 15:8,12,16 16:1,5 16:8,12,16,20,22 16:25 17:4 22:17 22:24 23:8,13,18 23:23 24:12,15,18 24:23 25:8,17 26:23 27:6,11,15 28:4,10,13,18,25 29:7,22,25 30:4 30:24 31:16,20 34:24 35:3,10 42:25 43:7,18 44:18 45:5,24 46:12 47:6,21 48:1 49:9,12,16</p>	<p>50:1 51:7</p> <p>covered 41:4</p> <p>crash 42:10</p> <p>created 40:2</p> <p>criminal 18:17 24:6,20 32:2,6,25 33:13,19 34:12 40:16,25 41:12 48:13</p> <p>critical 18:13,16 40:21 42:2,14 48:10,12</p> <p>Cross 3:5,8</p> <p>crucial 10:19</p> <p>CRYSTAL 1:25 51:7,18</p> <p>cured 48:23</p> <p>current 12:10 17:14 38:21</p> <p>currently 39:17</p> <p>customers 18:25</p> <p>cut 25:8,8</p> <hr/> <p style="text-align: center;">D</p> <hr/> <p>D 17:8 35:12 48:3</p> <p>D-e-a-v-o-n 7:13</p> <p>D-i-a-p-o-n-c-e 7:13</p> <p>danger 18:25</p> <p>day 51:14</p> <p>days 30:20 47:17</p> <p>deadline 39:15</p> <p>dealing 36:2</p> <p>Deavon 2:15 7:12 15:4 25:20</p> <p>decide 37:24</p> <p>decision 10:6</p> <p>deep 8:3 22:21</p> <p>definitely 25:7 38:20</p> <p>demonstrate 9:22 39:22</p> <p>demonstrated 38:22</p> <p>denied 10:2</p> <p>describe 24:1</p>	<p>desist 46:15</p> <p>despite 25:2 38:14 42:3</p> <p>develop 36:21 37:1</p> <p>developed 37:5</p> <p>Diaponce 7:12</p> <p>difference 26:19</p> <p>different 28:24</p> <p>difficult 48:25</p> <p>direct 3:5,7 42:21</p> <p>discover 36:18</p> <p>disposed 10:2</p> <p>Division 35:19</p> <p>docket 1:4 4:5 5:8 5:10 9:13,18 10:6 10:23 13:5 21:14 35:23</p> <p>dockets 5:12,15,22 6:3 19:23 20:5,9</p> <p>document 10:17 28:9 44:9</p> <p>documented 37:18</p> <p>documents 8:18,21 13:17 15:11 44:8 44:14</p> <p>doing 8:7 25:21,25 30:11</p> <p>dollar 33:2</p> <p>double-check 49:25</p> <p>downstairs 11:8</p> <p>draft 5:1 12:13 15:3 38:24,25 39:7</p> <p>Drive 2:6 13:17,22 15:11,19 34:3,17</p> <p>driver 29:4</p> <p>driver's 28:16</p> <p>drivers 25:19 28:21 30:5 38:15 48:13</p> <p>drives 14:18</p> <p>driving 28:15 30:23</p> <p>due 22:3</p> <p>duties 17:21</p> <p>duty 18:18 30:6</p>
---	---	--	--	---

48:15	examined 29:9 48:14	14:23 47:8	49:7,10,13,14	guessing 8:21
E	example 41:15	filed 5:9	future 36:22	guys 27:18 34:9,19
E 17:8,8 31:22	exams 18:17	files 13:20	G	H
35:12,12 43:22	exceeding 30:22	fill 26:4,15	gain 37:2 39:25	hand 16:23 23:10
48:3,3,3 51:1,1	excuse 25:7,15	final 11:20 12:13 16:2 35:23 39:16	gained 25:23 26:24	23:19 35:5 51:13
e-mail 7:11 13:21	exhibit 3:11,12 9:15 10:6,18 12:8	49:18	general 2:10 7:4	happen 13:2 15:23
14:7 28:1	18:2 20:2,8	finally 30:25	18:25 19:4,5	32:11 33:15
e-mails 28:1 44:5	exhibits 7:22,25 11:23 16:9,14	find 5:4 10:11 18:13 19:3	45:11 49:1	happened 10:23
earlier 14:7 15:21	experience 40:18	finds 40:5	generally 36:9	24:25 25:2 26:8
easier 30:13	explain 8:15,17 11:24 23:3 24:1	fine 5:11,17,21,25 10:21 24:13 27:22	37:18	happy 43:12
easiest 13:16	27:14 40:19	29:22	genuinely 28:2	health 29:19,20
educate 41:21	explained 40:25	finish 12:21	getting 27:3 29:15	hear 6:2 12:19 28:3
efforts 43:14	explaining 24:22 25:6,14	first 6:11 7:21 8:22 16:17 24:4,19	29:15	heard 23:16 31:25
either 10:2 21:6,6 33:19 49:13 50:1	eyes 45:8	39:7,7 40:20 41:6	give 12:21,24 17:1 19:11 23:20 27:19	40:13
electronically 13:9	F	first-time 46:3	34:20 35:7	hearing 1:10 3:1
element 10:19	F 51:1	five 32:24 33:5,10 33:10	given 11:25 38:4,22	5:10 9:14,19
employee 26:22 41:2,18	fact 32:21	fix 23:4	39:10 42:7	12:21 13:2 15:14
employees 29:9 33:20	fail 39:11	fixed 28:22 31:12	giving 40:18	22:2 39:16 44:23
employment 27:1	failed 28:5 39:8 42:2 49:3	fixing 15:24	glad 12:19	50:5 51:10
enforcement 36:4 36:10 37:25 38:5 38:21	failing 24:5 27:7 29:8 30:5 32:24	follow 18:20 22:11 31:13 37:11 40:10	go 10:22 12:20 14:3 24:19 26:5 27:2	Heart 1:6 2:15 4:7
ensure 18:21	failure 33:5 42:8,18	follow-up 47:24	31:7,20 35:10	4:21 9:2 17:23
equipment 27:18	fairness 18:22	followed 42:19	43:15 47:16	18:5 19:9 36:7,9
especially 15:24 26:8 46:4	false 32:8	following 4:18 6:13 12:1 18:24 38:16	going 8:4 9:21 11:8 14:4,14 23:2,9	36:12,15 39:17
essentially 15:6 40:1	familiar 8:22 14:17 46:17	food 27:1,3	26:18 29:3,4,5,12	40:24 41:24 48:7
et 44:12	fashion 26:11	foregoing 51:9	30:2,12,13,17,18	48:11
evaluation 13:4 43:10 45:1 49:18	fast 11:9 24:10	form 47:5	31:15	help 36:22 39:25
event 46:14	fault 30:7	forward 6:17 14:2 29:4 30:13 43:4 44:21 49:4	good 4:5 18:19,23 31:5 34:20	helping 31:15
eventually 21:21	federal 18:10	found 19:8 28:19 28:24 37:23 42:14 45:17	goods 18:12 36:25 38:10 39:21 46:16 46:18,22	hereunto 51:13
Evergreen 2:6	fee 47:16	Francis 25:20 26:9 29:12 30:1 46:6	Google 13:17,22 14:18 15:11,19 31:14 34:3,17	hey 25:25
everybody 34:19	feedback 15:2	Frank 26:9	grab 10:11 11:9,17 24:11	highlighted 44:5
evidence 7:23 9:22 11:4,6 33:25 34:11 42:13	feels 38:21 49:4	friend 26:2	grabbed 11:20	hire 25:24 33:7
exactly 8:18	felt 27:3 29:13 32:10 33:14 47:11	full 7:8	granted 10:2	hired 8:9
examination 41:1	field 27:1	further 22:15	Great 6:1 7:16 23:23 24:18	hiring 32:10,11 33:15
examinations 34:5 34:12 40:17	file 4:23 13:4 14:22	34:22 42:24 47:21	guess 9:24 33:4 34:1	history 19:15 26:25 36:10,12 38:4

<p>48:2 49:8,14,24 hoped 37:8 hour 39:16 hours 30:21,23 household 18:12,19 18:23 36:25 38:9 39:21 46:16,18,22</p> <hr/> <p style="text-align: center;">I</p> <p>idea 8:4 45:11 46:4 identified 44:4 immediately 46:15 impact 42:21 implement 39:11 important 18:19 impose 9:12,18,25 11:2 12:4 imposed 11:1 36:15 38:9 incapable 42:5 incidents 26:12 include 7:10 includes 15:10 including 37:19 incomplete 44:6 increase 40:2 INDEX 3:11 indicate 10:5 indicating 20:9 indications 42:9 individually 13:18 individuals 30:14 33:21 industry 18:23 information 14:19 27:8 informed 20:13 infractions 33:3 46:1 initial 15:3 initially 25:12,24 26:3 31:8 inspected 31:2,8,13 inspection 38:16 46:8 inspections 17:21</p>	<p>instance 40:20 insufficient 14:1,8 39:5 44:6 intend 31:12 43:9 45:19 intended 33:7 intending 23:12 Intent 4:15,17 9:19 21:13 38:2 interest 41:24 49:5 interrupt 13:24 intervene 39:25 interventions 35:25 investigated 27:24 investigation 1:5 4:7 12:1 25:1 46:8 investigations 17:20 investigator 17:15 41:6 invoices 30:20 involve 17:19 35:22 involved 42:10 involving 42:10 issue 7:18 12:24 13:5 38:1 49:19 issued 4:14,17 12:6 21:14 issues 5:13 9:23 28:22 36:6 49:3 item 12:3</p> <hr/> <p style="text-align: center;">J</p> <p>Jason 13:12 14:8 15:5,22 34:18 37:15,16 41:10 44:2 job 27:2 Judge 1:11 4:11 JUDGES 2:4 July 36:20 51:14 June 1:18 3:2 4:1 4:13,22 5:4 21:15 22:4 51:10</p>	<hr/> <p style="text-align: center;">K</p> <p>keep 27:20 keeping 30:14 kind 24:1 26:12 27:3 28:20,21 29:13,15 30:9,9 43:10 kinds 40:21 KITSAP 51:5 know 8:4 13:19 14:24 15:10,25 16:3 22:22 24:24 25:1,5,12 26:1,5,7 26:9,12,14,15,21 27:4,22 28:12 29:18,20 32:1,6,9 33:12,17 34:16 39:13 41:15 42:18 44:4 45:18 knowledge 51:11 known 31:6</p> <hr/> <p style="text-align: center;">L</p> <p>labor-only 46:19 46:20 47:1 lack 34:2 42:20 latest 22:6 38:24 Law 1:11 2:4 4:11 laws 42:8 lawyer 22:23 lead 37:8 45:20 learn 48:25 leased 27:8 legislature 38:10 let's 6:11 7:1 23:24 24:4 letter 12:3,5 20:8,8 license 28:16,22 link 14:12,18,19 list 8:17 listed 19:6 little 28:17 LLC 2:15 4:7 9:2 local 18:10 long 17:17 29:14 35:20 40:11</p>	<p>longer 29:4 30:2 33:21 34:10 look 10:8 14:12 16:2,3 43:13 44:24 45:15 looked 43:8 looking 27:22 45:14 49:18 looks 12:5 24:6 28:13 Lorena 31:14 lot 30:13 31:6,7,15 41:20,20</p> <hr/> <p style="text-align: center;">M</p> <p>M 17:8 31:22 35:12 43:22 48:3 maintain 27:7 maintenance 38:17 majority 8:6 management 4:23 5:1 8:24 9:2,10 12:2,8 13:25 15:3 15:5 19:21 20:1,5 21:15,20 22:4,7,9 22:12 24:10 25:3 28:8 34:14 36:22 37:2,5,11 38:8,24 38:25 39:3,8,12 41:9 42:7,13,20 43:3,8 44:1,20,24 45:10 manager 37:16 mandatory 42:8 manner 18:22 mark 16:13 marked 16:15 Mathew 15:1 MATT 2:20 matter 1:4 4:6 43:8 matters 6:1 Matthew 3:6 7:6 35:16 max 46:10 McAULIFFE 1:25 51:7,18</p>	<p>mean 8:8 22:22 25:21 29:2 30:8 31:9 43:9 46:6 48:24 medical 18:17 29:10,16,19,23 34:4,12 40:16 41:1 44:11,11 45:13 46:5,7 medically 29:9 48:14 meet 26:2 member 7:6 37:14 method 15:20 34:21 minute 10:10 minutes 14:9,9 miscommunicati... 40:14 missed 27:25 mitigate 45:12,15 mitigated 32:18 mitigation 5:10 6:17 23:16 43:16 44:25 moment 6:24 Monday 49:22 50:2 morning 4:25 motion 9:25 10:1 motor 31:1 35:24 36:1 37:15 42:10 move 14:2 43:4 44:21 mover 18:20 26:3 movers 1:6 2:15 4:7,21 9:2 17:23 18:5 19:9 36:7,12 36:16 39:17 40:25 44:10 48:7,11 Movers' 36:9 41:24 moving 43:17 46:4 46:18,20 47:1,18 multiple 49:2</p> <hr/> <p style="text-align: center;">N</p> <p>N 17:8,8 31:22,22</p>
--	--	--	---	--

35:12,12 43:22,22 48:3,3 name 4:10 7:8,9 17:10,11,12,12 35:14,15 narrative 44:2 Nash 2:10 7:4 nash.callaghan@... 2:12 necessarily 41:19 necessary 41:1 42:7 need 9:24 10:8,22 12:24 14:14 47:18 47:22 needed 26:11 46:5 neglected 38:7 never 29:3 new 9:25 14:5 31:5 31:5 39:21 41:5 45:14 47:8,15,16 47:19 newest 42:13 noncompliance 20:9 normal 25:25 Northeast 7:14 Northgate 2:16 notice 4:15,15,17 9:13,16,19,19 19:11 21:13 38:2 number 7:10 33:10 numerous 38:12 Nunez 25:20	38:12 occupation 17:14 occurred 21:10 32:17,21 48:11,16 occurrences 37:19 occurring 24:3 offer 7:22 offering 10:4 OFFICE 2:10 okay 5:6,23 6:1,25 7:7,17,24 8:14,19 8:20 9:8,11,24 10:8,14,25 11:7 11:10,22,22 12:11 12:11 13:7,8 14:11,21 15:8,12 15:16 16:4,7,8,9 16:20,22,24 18:7 19:14 21:1,10,13 22:3,24,24 23:6,8 23:13,18,23 24:11 24:15,18 26:3,23 27:6 28:4,10,13 28:18,25 29:7 30:4,16,24 31:16 31:20,21 32:12,15 32:23 33:12,18 34:4,7,11,22 35:3 38:23 40:8 42:22 42:25 43:7,18 44:10,15,18 45:5 46:12 47:4,20,21 48:1 49:9 50:1 Olympia 2:6,12 4:1 once 6:9,19 21:11 31:10,11 open 16:3 47:13 opening 10:16 operate 18:21 38:15 39:23 40:6 41:2 operating 38:3 39:17 41:18 42:5 43:17 45:17 46:16 operation 18:11 operator 46:3	operator/owner 26:20 opinion 42:12 opportunities 49:2 opportunity 15:7 21:24 23:2 37:1 39:10,14,22 option 46:25 oral 4:16 order 12:25 13:5 19:23 20:4,9 48:6 49:19 owner 26:17 28:21 46:3	10:25 11:3,18 23:3,15,24 24:25 32:24 36:1 43:16 44:23 45:12,14,15 45:16 people 8:9,10 29:12 33:6 Perfect 8:14 11:22 perform 17:20 period 40:4,9 periodically 30:19 31:2 Perkinson 2:20 3:6 3:7 7:6 13:14 14:24 15:1,2,9,15 23:12,14 35:1,4,9 35:14,16 40:13 43:1,20,24 45:3,9 47:24 48:5 permit 13:1 36:2 39:18,20 40:2 41:25 43:4 45:18 46:14 47:7 personally 29:18 29:20 phone 7:10 20:17 physical 44:13 piece 10:11 place 25:3 27:17 42:7,20 plan 4:23 5:1 8:25 9:2,4,6,10 12:2,9 13:25 15:3,5,7 19:22 20:1,6 21:15,20 22:4,7,9 22:12 24:10 25:3 28:8 34:14 36:22 37:2,5,12 38:8,24 38:25 39:4,8,12 41:9,11 42:13 43:3,8 44:1,20,24 45:10 please 6:8 10:16 14:11 17:10 27:15 35:14 PO 2:11	point 26:13 43:7 45:7 policy 36:4 portion 23:1 45:12 45:16 Portions 32:14 pose 18:24 position 17:17,19 35:20,22 43:2 44:19 47:13 49:1 possession 15:13 28:5 possibility 47:11 possible 13:20 possibly 12:22 practice 39:9 present 6:10,15 7:5 presentation 6:13 presiding 4:11 pretty 8:6,10 24:22 27:18 prevent 18:22 24:3 previous 9:13 36:19 37:7 previously 41:17 print 24:9 27:22 prior 31:25 32:5 prioritize 42:6 priority 38:20 probably 5:18 31:6 46:2,9 proceed 7:17 16:17 17:5 proceeding 4:12,16 5:21 11:3 process 6:22 16:2 26:19 29:15 32:11 33:15 47:17 promptly 10:16 proposed 4:20,23 6:12 7:18,22 8:23 37:20 protection 40:3 proves 10:6 provide 9:22 14:12 15:2,20 23:15
<hr/> O <hr/> O 17:8 31:22,22 35:12 43:22,22 48:3 o0o- 4:3 50:7 oath 6:5,6 objection 7:21,25 11:23 obligated 49:4 obtain 24:5 29:16 occasions 20:25		<hr/> P <hr/> P-e-r-k-i-n-s-o-n 35:16 p.m 1:19 4:2,13 11:14,14 24:17,17 50:5 Page 3:3 pages 1:16 9:3 paper 10:11 39:9 papers 11:9 paperwork 26:4,6 26:10 parameters 39:23 Park 2:6 part 12:22 19:14 30:25 32:15,23 33:17 48:5 Particularly 24:24 parties 2:2 5:11 6:2 party 6:4 pass 40:8 pay 47:15 payroll 30:18 Pearson 1:12 2:5 4:10 penalties 9:23 10:1 12:4 19:18 20:10 32:13 33:1 36:15 48:8,12 penalty 5:7 6:16,18 6:21 9:12,18		

28:5 43:11 provided 5:1,4 15:4 28:2 33:24 34:13 38:12 41:7,21 providing 46:19,25 provisional 36:24 38:2 39:18,20 40:2,4,8 41:25 public 19:1 40:2 41:24 42:21 49:5 pull 8:16 29:5 purchased 31:4 purpose 39:20 put 6:17 13:17 30:21 34:8,17 39:8,9 42:20 49:4	re-submission 47:5 read 25:16 30:16 ready 7:19 16:21 17:6 real 8:17 really 10:15 11:9 12:19 24:10 26:8 26:14 45:22 47:2 reasonable 45:4 recall 32:23 receive 19:9,18 21:8 48:11 received 8:23 12:3 14:6,7 15:6 19:10 28:12 33:19 43:25 44:2 48:7 receives 36:25 receiving 32:23 33:1,4,8 recess 11:11 recognizes 48:24 recommendation 6:21 9:12 10:5,7 10:24 12:24 13:4 13:6 23:15 42:16 43:6,12,13,16 44:20,22,25 45:6 45:11 48:21 49:4 49:19 recommendations 35:24 recommended 38:1 38:16 recommending 20:10 record 7:9 8:1 11:15 16:10 17:11 18:18 30:6 35:15 records 48:15 recurring 9:23 redeem 45:8 Redirect 3:8 reducing 6:17 reference 25:18 referred 42:4 regarding 40:14	regardless 43:2 44:19 48:22 regulate 46:20,21 regulation 18:11 regulations 18:20 18:21,24 36:13,16 40:1,11,15,21 reinstatement 47:7 47:15 related 24:20 45:13 46:18 47:3 relates 35:23 relative 34:17 remaining 45:16 remember 27:23 32:12,15 33:1,4,8 33:9 rent 27:17 rental 27:7 repeat 25:9 32:4 37:10 48:18 repeated 42:18 repeatedly 38:13 42:2 report 11:20,25 17:25 18:2 19:6 REPORTED 1:25 reporter 7:10 51:8 reporter's 6:8 request 6:17 9:17 23:16 27:25 28:3 43:15 requested 5:10 12:4 requesting 27:19 require 29:9 30:5 46:24 required 26:20 32:7 40:15,20 41:18 46:15 requirement 32:2,9 33:13 37:20 41:12 requirements 26:24 27:21 38:9 resend 13:12 resolve 42:2 45:20	49:3 resolved 42:15,17 resource 41:21 respect 13:20 40:16 44:23 responded 15:4 response 37:25 47:25 responsibility 25:5 25:12 rest 12:22 resubmit 15:22 result 35:25 resulted 4:20 37:23 results 19:12 37:17 review 4:18 8:22 12:23 13:3 15:7 17:22,25 18:4,7 18:13 19:3,9,12 19:15 21:24 32:1 36:19 37:14,17,22 38:23 39:15 42:15 48:5,6 reviewed 21:20 22:8 38:25 reviewing 15:10,14 reviews 35:25 right 13:10 14:12 15:9 16:8,12,22 16:25 17:4 21:4 22:1 23:6,8,10,18 23:19,23 27:6 29:7 30:4,24 31:11,16 32:3 34:24 35:3,4 36:5 38:4 41:23 45:5 48:18 49:12,16,21 50:2 road 29:6 round 28:3 RPR 1:25 51:18 rules 18:10 39:24 40:2 46:18 48:25 run 11:8 24:10	S 31:22,22 43:22,22 safe 18:22 safely 39:23 42:5 safety 4:20,23 5:1 6:12 7:19 8:24,24 9:2,10 12:2,8 13:24 15:3,5 18:20 19:9,18,21 20:1,5,14 21:15 21:20 22:4,6,9,11 24:10 25:1,2 28:8 34:13 35:19,25 36:1,13,16,18,22 36:23 37:1,2,5,11 37:15,19,21,23,24 38:8,9,19,20,24 38:25 39:3,7,11 39:24 40:1,3,5,9 40:15 41:8,22 42:2,6,8,13,21 43:3,8 44:1,20,24 45:10 47:3 48:8 49:5 salad 29:21 Sandra 2:20 3:4 7:6 14:16 16:19 17:12 26:18 27:24 Sandy 14:15 satisfactorily 47:10 satisfactory 5:5 savvy 34:16 saying 8:11 14:8 25:11 28:4 says 9:2 scheduled 20:23 21:7 schedules 38:17 seal 51:14 Seattle 2:16 7:14 second 11:19 25:9 30:15 Section 28:14 29:8 30:5 see 10:23,25 12:15 28:3 30:19 34:9 38:20 44:9
Q				
question 8:2 11:1 33:4 38:18 questions 6:14,20 6:22 8:12 22:15 22:18,25 23:7 31:17 34:23 42:24 43:19 44:16 47:25 47:25 49:7 quick 8:2 10:10 13:15 quickly 8:17 45:23 quote/unquote 34:2				
R				
R 1:25 17:8 31:22 35:12 43:22 48:3 48:3 51:1,7,18 raise 16:22 23:10 23:19 35:4 40:9 rating 4:20 6:12 7:19 8:24 19:9,10 20:14 37:1,3,21 37:24 Rayne 1:12 2:5 4:10 rayne.pearson@... 2:7				
			S	

seek 47:15	Special 17:15	string 33:9	T 17:8,8 31:22	testimony 6:7,10
seeking 11:2	specific 15:11	strong 42:9	35:12,12 43:22	6:15 17:1 23:20
seen 42:17 44:7,13	specifically 48:13	stuff 23:5 26:4	48:3,3 51:1,1	35:6 40:14
send 13:9,13,18	specifics 45:10	31:15	T-a-y-l-o-r 7:13	thank 5:20 7:3,16
14:22 27:20 34:20	speed 49:1	submit 12:20 21:15	take 11:4,11 25:4	7:20 11:12 16:18
34:21	spell 17:11 35:15	21:21 22:3 43:9	25:12 29:3 31:12	16:21 17:4,7
sent 13:11 14:6,9	spelling 7:9	44:22 45:1 47:18	38:19 43:12 44:14	22:14,17 25:17
43:25	spoken 42:18	submitted 8:21,25	46:9	31:21 34:23 35:11
sentence 25:10	ss 51:4	9:5,7 10:24 12:2,9	taken 11:13 24:16	42:22,25 44:18
serious 40:5	staff 2:9,19 4:19,24	12:13,15 13:3,25	talk 20:16,20,23	46:12 48:2 49:6,9
seriously 38:19	5:2,4,16 6:11,14	21:24 22:7 27:16	21:2	49:15,16 50:2
service 31:11 46:19	6:21 7:2,5,5,22	28:7 34:14 39:1,4	talking 26:18	thing 13:15 15:18
46:20	8:20 9:1,21 12:4	39:14,15	Taylor 2:15 3:8	26:15 29:13 34:15
services 47:1	12:20,21 13:3,9	subsection 27:11	5:23,25 6:13,24	things 15:21 25:5
set 39:23 51:13	13:24,25 14:12	substantially 22:8	7:8,12,12,24 8:2	27:4 42:19
setting 4:16	15:12 16:19 20:8	sufficient 38:6	8:14,19 10:10,14	think 5:17 14:15
seven 46:9	21:20,23 31:16	summarizing 17:25	11:8,11,17,19	16:1,2 22:24
share 13:16,20,21	33:24 36:18,21	supervises 37:15	12:12 13:7,11,15	28:15 29:12 43:11
13:21	37:8,14,24 38:7	supervisor 37:13	13:25 14:3,5,6,14	43:14 45:10,13
Sharp 13:12 37:15	38:18,23 39:4,6	41:10 44:3	14:21 15:17 16:4	third 12:3
41:10	39:10,14 40:18	supporting 13:16	16:7,11 20:25	three 16:9 25:19
Sharp's 37:16 44:3	41:23 42:1,4,12	28:8 44:7,9	22:18,20 23:6,9	29:11 30:20
showing 10:1	44:22 45:11,14	supposed 8:7 21:14	23:18,22 24:9,14	Thursday 4:12
shut 46:24	47:9,11,13 48:24	26:15 29:18	24:21 25:4,11,18	time 4:13,16 6:15
single 28:1	49:3,12	sure 5:17,19 8:6,11	26:25 27:9,13,16	8:9 12:18 20:19
situation 15:23	staff's 6:13,19 9:11	12:17 15:18 16:5	28:7,11,17,19	21:1 26:6 27:23
situations 12:19	9:17 10:5,19,23	24:12 26:25 27:18	29:2,11,24 30:1,7	27:24 30:19 32:4
22:20	11:23 13:6 42:12	30:22 33:2 36:3	31:4,17,24 34:23	36:5 38:23 39:22
six 17:18 46:9	42:16 43:2,5	40:22 45:24,25	41:16 43:19,21,23	44:24
skill 51:12	44:19 45:6,8	46:17	44:16 45:22,25	times 20:23 21:7
slow 10:15	47:12 48:21 49:18	suspend 45:16	46:13 47:4,20	41:11
slowly 6:9	standard 26:22	suspended 9:12,18	49:10,11	today 4:12 5:13 6:6
somebody 14:14	start 24:4	9:25 10:25 11:3	Taylor's 40:13	12:22 13:3 14:7
26:1	started 5:6 6:23	12:4 20:10 28:15	team 37:4,16,18	15:14 17:1 23:20
somebody's 29:3	starts 41:18	28:20,23 48:7	38:1,12	34:14 35:7 39:1
sorry 13:23 22:23	state 7:8 17:10	swear 6:5 16:23,25	tech 34:16	39:14 40:14 41:17
24:14 26:16 29:20	18:10 35:14 38:10	23:10,19 35:5,6	technical 38:13	43:17 45:1 47:22
32:19 41:14	51:4,8	sworn 6:7,9	40:19 41:7,20	49:17
sounds 15:12 25:6	State's 12:1	SY-1 3:13 7:22	42:3	today's 4:11
25:14 44:18 45:3	stated 32:8,9 33:18	16:13,14 18:2	ten 24:7	told 28:22
45:6	33:19 41:17	SY-2 3:13 12:8	term 40:11	tomorrow 12:23,25
South 2:6	statements 4:17	16:13,14 20:2	terms 46:6	13:5,6 45:2 49:20
Southwest 2:6	status 18:18 30:6	SY-3 3:13 16:13,14	testifies 23:14	49:24 50:2
speak 6:9 23:2 24:8	48:15	20:8	testify 6:4,6 16:19	topics 8:6
24:19,24 47:12	stop 30:10,10 46:19	<hr/>	23:12	totally 24:13 31:9
speaking 37:18	Street 7:14	<hr/>	testifying 6:19	training 17:21
		T		

<p>transcript 51:9 transport 46:21 Transportation 1:2 2:5,11 17:16 35:18,19 tried 38:13 truck 27:20 true 32:8 51:11 truth 17:1,2,2 23:21,21,21 35:7 35:7,8 try 26:6 trying 10:22 11:2 25:6,14 turn 23:9 26:12 TV-200268 19:23 TV-210308 1:4 TV-210309 5:8 two 5:12 30:20 35:21 47:24 type 18:11 31:15 types 37:19 typically 23:13 40:19</p> <hr/> <p style="text-align: center;">U</p> <p>ultimately 37:6 39:8 42:4 45:18 unaware 41:17 understand 24:25 26:19 27:5 understanding 26:24 Understood 47:4 Unit 7:14 unqualified 38:15 unrepresented 8:10 update 34:2 updated 14:19 34:11 updates 14:13 upgrade 37:2 use 14:19 46:21 47:1 Usually 12:18</p>	<p>UTC 38:11 Utilities 1:2 2:5,11 17:15 35:18</p> <hr/> <p style="text-align: center;">V</p> <p>various 17:21 vehicle 17:20 27:8 31:1,5,10,12 42:11 vehicles 38:16 46:21 47:2,3,18 verify 29:19 verifying 18:9 version 14:5 15:5 21:25 22:6 39:3,7 videoconference 1:10 2:2 3:1 51:10 violating 36:12,16 40:20 violation 24:4,19 27:7 28:14 29:8 29:10 30:25 31:2 37:19 41:7 violations 6:16 10:12 11:18 18:14 18:16 19:4,5,6,8 19:19 23:3,24 24:2,7 32:16,20 32:24 33:3,5,8 36:2,19,23 37:11 37:20,23 40:5,9 42:3,14,17 45:14 45:20 46:10 48:8 48:10,12,15,18,22 visit 41:6 VOLUME 1:15</p> <hr/> <p style="text-align: center;">W</p> <p>WAC 1:7,8 24:5 27:11 wait 24:13 walk 6:25 8:11 23:24 want 8:13 13:9,11 15:18,23 24:8</p>	<p>25:4,15,16 28:21 34:25 43:3 44:22 44:24 46:23 wanted 5:7 11:4 16:16 25:11 46:10 47:17 Washington 1:1 2:6,12,16 4:1,8 7:14 38:10 51:4,8 water 8:3 22:22 way 2:16 12:12,14 13:16 15:19 25:16 25:25 34:20 we'll 6:25 11:10 12:20 24:13 39:7 we're 14:1 18:9 we've 15:6 42:17 went 9:20 23:4 24:1 24:22,23 WHEREOF 51:13 window 47:6,14 withdrawing 10:21 witness 6:5 8:17 16:17 43:5,11 51:13 Witnesses 3:3 word 28:23 29:3,21 34:2 42:18 44:14 words 25:16 work 14:18 26:3,5 26:7,7 27:3 29:4 35:17,18 36:3,21 47:9 worked 30:21 33:16,17 36:6 37:4 39:6 working 30:2,23 33:21 41:10 works 14:20 34:10 wouldn't 26:10 41:19 43:8 write 17:25 written 13:4 42:19 44:25 49:18 wrong 23:4 24:1,22 24:23 31:25</p>	<hr/> <p style="text-align: center;">X</p> <p>X 17:8 31:22 35:12 43:22 48:3</p> <hr/> <p style="text-align: center;">Y</p> <p>Y-e-o-m-a-n-s 17:13 yeah 13:11,13,15 18:6 22:1 24:9 25:4,23 28:7 29:2 30:7 31:4 34:1,15 36:24 41:3,19 43:13,21 44:2,16 45:3,9 year 17:23 21:16 37:23 years 17:18 35:21 Yeomans 2:20 3:4 7:6 16:19,21,24 17:3,10,12 22:16 22:19</p> <hr/> <p style="text-align: center;">Z</p> <p>zero 46:4 zip 14:22,23</p>	<hr/> <p style="text-align: center;">2</p> <p>2 7:22 2:07 24:17 2:08 24:17 2:40 50:5 20 14:9 200267 19:23 2020 9:7,8 12:9 19:23 32:12 36:20 40:23 48:6,16 2021 1:18 3:2 4:1 4:13,14,19,22 18:5 19:13 44:1 51:11,14 206-913-9723 7:15 206.294.6368 2:17 210308 4:6 2121 1:25 51:18 24 1:18 3:2 4:1 51:10 240 37:19 24th 4:13 2727 7:13 28th 18:5,6 19:13</p> <hr/> <p style="text-align: center;">3</p> <p>3 7:22 9:15 10:18 30 14:9 47:17 30-day 47:6,14 31 3:5 31st 19:22 35 3:7 360 2:7 391.11(b)(5) 28:14 391.45(a) 29:8 395.8(a)(1) 30:5 396.17(a) 30:25</p> <hr/> <p style="text-align: center;">4</p> <p>4 27:12 40128 2:11 43 3:8 9:2 19:5 48 3:8 480-15-555 24:5 480-15-560 1:8 4:8 480-15-570 1:8 4:9</p>
--	--	---	---	--

480-15-590 27:11
49 28:14 29:8 30:4
30:25

5

51 1:16

6

627 19:24
664-1160 2:7

7

8

80 46:2
8th 51:14

9

9,600 45:15
90 45:13 46:1
98125 7:15
98133 2:16
98504 2:6,12