

**In re Application of: Paul James Akerman dba Paul the
Mover**

Docket No. TV-230466 - Vol. I

August 15, 2023



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BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION

In re Application of)
)
 Paul James Akerman d/b/a)
 Paul the Mover,)
) DOCKET NO. TV-230466
 for a permit to operate as a)
 motor carrier of household goods)
)

BRIEF ADJUDICATIVE PROCEEDING
 ADMINISTRATIVE LAW JUDGE JAMES BROWN II PRESIDING
 August 15, 2023
 Volume I

Washington Utilities and Transportation Commission
 621 Woodland Square Loop Southeast
 Lacey, Washington 98503
 (Via Teleconference)

TRANSCRIBED BY: ELIZABETH PATTERSON HARVEY, FAPR, RPR,
 WA CCR 2731

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A P P E A R A N C E S :

ADMINISTRATIVE LAW JUDGE:

JAMES BROWN II
Washington Utilities and Transportation
Commission
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Lacey, Washington 98503

FOR PAUL THE MOVER:

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ALSO PRESENT:

Patrick Remfrey

* * * * *

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1 LACEY, WASHINGTON - AUGUST 15, 2023

2 11:00 a.m.

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4

5 JUDGE BROWN: Let's be on the record.

6 Today is Tuesday, August 15, 2023, and the time is 11:00
7 a.m. And this is appearing on Docket TV 230466, and this
8 docket is captioned respectively In re Application of
9 Paul James Akerman, doing business as Paul the Mover, for
10 a permit to operate as a motor carrier of household
11 goods.

12 The applicant, Paul James Akerman, filed
13 an application for authority to operate as a household
14 goods mover in the state of Washington. And commission
15 staff has filed a notice of intent to deny application
16 for permanent authority.

17 And in response, the applicant has
18 requested a hearing, which is being conducted at this
19 time, for the commission to consider the application.

20 My name is James E. Brown II, and I am the
21 administrative law judge presiding over today's brief
22 adjudicative proceeding.

23 So at this time I'd like to take
24 appearances from both parties. And then (inaudible.)

25 MR. AKERMAN: I can't hear you. I lost

1 that last part.

2 JUDGE BROWN: I'm sorry. I said at this
3 time, I will take appearance from both parties. And then
4 we'll talk about how we're going to proceed this morning.
5 You heard that, Mr. Akerman?

6 MR. AKERMAN: Yes, sir.

7 JUDGE BROWN: Good. Okay. If you could
8 introduce yourself.

9 MR. AKERMAN: Hi. I'm Paul Akerman.

10 JUDGE BROWN: And this morning, who is
11 representing commission and commission staff?

12 ATTORNEY NIERA: Good morning, your Honor.
13 Jackie Niera on behalf of staff.

14 JUDGE BROWN: Okay. Thank you.
15 (Inaudible) be aware of any background noise and that you
16 mute your microphones when you're not speaking.

17 And if you need to object or raise an
18 issue, please identify yourself when you're speaking.

19 And let's not speak over each other, but
20 allow each other to speak freely and clearly so we can
21 get a complete record in this matter.

22 Okay. So let's talk about how this
23 hearing is going to proceed this morning. Because the
24 hearing has basically sprung from the commission's notice
25 of intent to deny application for permanent authority,

1 I'm going to ask that staff tender their evidence and
2 witnesses first.

3 And then, Mr. Akerman, you can
4 cross-examine a witness if you'd like, and afterwards,
5 put on any evidence or witnesses on your part.

6 And then we can end the hearing by having
7 both parties provide a closing argument, or closing
8 statement, rather.

9 So I have received statements in support
10 of the applicant as well as staff exhibits and exhibit
11 lists. And since the parties -- I did not see where the
12 parties stipulated to pre-filed exhibits. So at this
13 time, I would suggest that the parties move for admission
14 of their exhibits as they use them during the direct and
15 cross-examination. And opposing counsel or parties can
16 object as needed. And I just want to know if this is
17 workable and doable for the parties at this point?

18 ATTORNEY NIERA: Yes, your Honor.

19 JUDGE BROWN: Staff, would you like to
20 introduce (inaudible) your first witness at this time?

21 MR. AKERMAN: I can't hear you.

22 JUDGE BROWN: I'm asking that staff,
23 meaning commission staff, would introduce their first
24 witness at this time.

25 ATTORNEY NIERA: Yes, your Honor. I may

1 call Patrick Remfrey.

2 Your Honor, should we introduce the
3 exhibits now?

4 JUDGE BROWN: I'm sorry?

5 ATTORNEY NIERA: The exhibits, do I
6 introduce them now or --

7 JUDGE BROWN: Yes. Please.

8 ATTORNEY NIERA: The staff moves to admit
9 the exhibits filed on August 10. They include the
10 exhibit marked as Staff Exhibit PR-1, which is the
11 comprehensive report; and Staff Exhibit PR-2, which is
12 the WSP report, the Washington State Patrol report.

13 (Staff Exhibits PR-1 and PR-2
14 introduced.)

15 JUDGE BROWN: So noted.

16

17 EXAMINATION

18 BY ATTORNEY NIERA:

19 Q Okay. Mr. Remfrey, please state your name for
20 the record.

21 A My name is Patrick Remfrey.

22 Q And who is your employer?

23 A I'm employed by the Washington Utilities and
24 Transportation Commission.

25 Q What is your job at the commission?

1 A I am the licensing services manager in
2 transportation safety.

3 Q And what are your job duties?

4 A I manage the team that reviews and processes
5 transportation company applications, grants and cancels
6 permits, and ensures the companies have proper insurance;
7 and also assist companies to ensure they have the proper
8 permits for whatever their respective industries are.

9 Q What kind of experience and qualifications do
10 you possess to perform your job duties?

11 A I've worked in licensing at the commission for
12 nearly four years, both as a transportation specialist
13 and as manager. I have personally processed well over
14 100 household goods permit applications.

15 JUDGE BROWN: Excuse me, Ms. Niera. This
16 is my error. I did not swear in your witness. Let me
17 swear in your witness at this time.

18 If you'll raise your right hand and I'll
19 swear you in, Mr. Remfrey. Do you swear or affirm that
20 the testimony you give today will be the truth, the whole
21 truth, and nothing but the truth?

22 THE WITNESS: I do.

23

24

25

1 PATRICK REMFREY, witness herein, having been duly
2 sworn on oath, testified as
3 follows:

4 JUDGE BROWN: Excellent. Proceed.

5 Q (By Attorney Niera) Are you familiar with Paul
6 the Mover?

7 A Yes, I am.

8 Q How did you become familiar with Paul?

9 A Paul the Mover, as far as my first contact,
10 applied for a household goods permit on July 1, 2022.

11 Prior to that application, which was eventually
12 voluntarily dismissed, I had several conversations with
13 Mr. Akerman regarding the legal requirements to receive a
14 provisional household goods permit in Washington.

15 And I also had several more phone conversations
16 with Mr. Akerman earlier this year leading up to his
17 second application for a household goods permit.

18 Q Did you review the application for authority to
19 operate?

20 A Yes, I did review the application.

21 Q What did you find upon review of the
22 application?

23 A Aside from one small correction to the legal
24 name on Mr. Akerman's DOT number, which has since been
25 resolved, there were a number of concerning items in his

1 criminal background check.

2 Q What are the factors you use to determine
3 whether to recommend granting or denying an application
4 for permanent authority?

5 A Initially, when applying for provisional
6 authority, all applicants need to provide evidence of
7 compliance with state tax, labor, employment, business,
8 and vehicle licensing laws and rules; as well as provide
9 insurance filings, complete industry training, and pass a
10 criminal background check.

11 Later, upon successful operation for at least
12 six months, if the applicant passes a motor carrier
13 safety inspection and has completed the required annual
14 reporting, as well as paid any regulatory fees and has no
15 open consumer protection investigations, then permanent
16 authority will be granted.

17 Q What did you find upon running the background
18 check?

19 A I found running the background check, I found
20 numerous convictions and adverse findings between 2001
21 and 2020 relating to theft, forgery, arson, assault, and
22 controlled substances.

23 Q What are staff's reservations, if any, about
24 granting authority to operate, given the information
25 found on the background check?

1 A The nature of the crimes documented on
2 Mr. Akerman's record, as well as the long documented
3 history of criminal activity, are the types of crimes
4 that a consumer moving from one household to another
5 would be particularly vulnerable to.

6 Q Based on your review of Paul the Mover's
7 applications and your findings on the background check,
8 what is staff's recommendation to the commission?

9 A Staff's recommendation to the commission would
10 be to deny the application.

11 Q And why is staff making this recommendation?

12 A Staff believes that the nature and extent of
13 Mr. Akerman's criminal background will likely interfere
14 with the proper operation of a household goods moving
15 company.

16 ATTORNEY NIERA: Thank you. I have no
17 further questions, your Honor.

18 JUDGE BROWN: Do you have -- before I move
19 forward, the exhibits that you moved in are deemed
20 admitted at this time.

21 (Staff Exhibits PR-1 and PR-2
22 admitted.)

23 JUDGE BROWN: Mr. Akerman, is there -- are
24 there any questions you would like to ask Mr. Remfrey?

25 MR. AKERMAN: No, I'm pretty clear on

1 everything he said. And I've spoken to him. So I'm --
2 you know, I agree with everything he said pretty much. I
3 have nothing to counter it with, you know. I agree with
4 it, basically.

5 JUDGE BROWN: Okay. Would you like to
6 proceed forward and make any -- present any evidence or
7 witnesses at this time?

8 MR. AKERMAN: Yes. Do you need to swear
9 me in?

10 JUDGE BROWN: Sure.

11 MR. AKERMAN: (Inaudible.)

12 JUDGE BROWN: If you would please raise
13 your hand and I'll swear you in. Do you swear or affirm
14 the testimony you will give today will be the truth, the
15 whole truth, and nothing but the truth?

16 MR. AKERMAN: Yes, your Honor.

17

18 PAUL AKERMAN, witness herein, having been duly
19 sworn on oath, testified as
20 follows:

21

22 JUDGE BROWN: All right. You may proceed.

23 MR. AKERMAN: Okay. I don't know if you
24 have the documents I provided.

25 JUDGE BROWN: I do. We do.

1 MR. AKERMAN: Okay. I --

2 JUDGE BROWN: Give me a second. I have
3 your photo where you are -- where your team is moving men
4 in, or rather moving a couch or wrapping a couch.

5 MR. AKERMAN: Oh, yeah that would be the
6 Yelp review.

7 JUDGE BROWN: I have the Yelp review.

8 MR. AKERMAN: Yeah, yeah.

9 JUDGE BROWN: And I have your (inaudible)
10 which is (inaudible) your advisement report as well as a
11 letter of support from Ms. Pamela Akerman (inaudible.)

12 MR. AKERMAN: That's my ex-wife.

13 JUDGE BROWN: Right.

14 JUDGE BROWN: So going forward, the letter
15 from my wife was, you know, she had had a checkbook
16 stolen, and so I wrote the check and cashed it at the
17 check cashing place. And so when they charged me with
18 the forgery, I went to court and I got the Alford
19 agreement. It doesn't say that on there, but the Alford
20 agreement, I guess it states that I'm not admitting to
21 this crime, but in lieu of the evidence, I might be found
22 guilty. And I got no time in jail, no fine, no nothing.
23 So that's that one.

24 And then on the assault charge, it was my
25 stepson, her son. He was 17 at the time, 6'1". And he

1 had been using drugs. And I said, Hey, man, you spilled
2 some stuff on the floor, and I just -- on the carpet.
3 And I said, Man, you know, just could you leave my stuff
4 alone, because he took my VCR. So I said that, and he
5 goes, You don't have to be a blah, blah, blah about it
6 and he used some profanity. And I pushed him, and he
7 fell and cut his finger. So, you know, this was a
8 typical family problem. You know, he's mad because he's
9 angry because, you know, I'm not his dad.

10 And so a few months later, I was waiting
11 for my wife outside the house, and he seen me outside and
12 decided he wants to send me to jail. And I got a no
13 contact order violation. I mean, we get along fine
14 today. Like, he wrote a letter. I've never been
15 violent. I've never hit anybody.

16 And I've been in the moving industry for
17 20 years. I mean, I did long distance for ten. I've
18 been to every state. I've never had an accident in a
19 moving -- in a commercial vehicle. I've never had an
20 accident. And I've only had one ten over, back in 2010
21 going down the Grapevine of California.

22 I've been at the top of my game here on
23 the east side of Seattle for 20 years, you know. 60
24 years old and still in pretty good shape.

25 And you know, I'm in school. I'm almost

1 done with a two-year degree for business management.
2 I've got a 3.6 grade average. I've got a couple quarters
3 left.

4 And this is, you know, that's what -- I
5 got denied at first when -- the initial one. And at the
6 time, I found that I had a heart condition. And so I
7 went through the application because he said even though
8 I'm within the requirements, they're going to probably
9 deny me anyway because of the extensive background. So I
10 withdrew it.

11 I went and had open heart surgery last
12 June. And I'm doing, I mean, fantastic. I feel like a
13 new man. And so I decided to reapply again. And, you
14 know, I know I'm taking a chance of losing the money, but
15 I mean, I've been doing this for 20 years. I've changed
16 my life totally. And I just had to take a chance, you
17 know, I mean...

18 And that's pretty much it. I'm a totally
19 different person, clean and sober today. And just like I
20 said, I've been in school for the last -- this is my
21 seventh quarter. I got a nice place out here on the east
22 side of Seattle.

23 And I just wanted the chance to, you know,
24 prove myself. And I haven't had any -- there's one
25 conviction on there from 2020. But that was -- if you

1 look and see, it says solicitation, attempt to solicit.
2 I was in the car with somebody. And we got pulled over
3 for my third taillight. And they found drugs in the car.
4 And it wasn't mine. But I didn't get any time of jail
5 for this, or any fine, but they said because it's in my
6 car, they charged me with attempt to solicit, whatever
7 that means. I don't even understand what it is. But I
8 just took the charge because, you know, because they
9 didn't offer any jail time, and I didn't have the money
10 to, you know, pay for a lawyer at the time. This was
11 right at the pandemic, you know, towards the end of it,
12 or in the middle.

13 But other than that, I haven't had any --
14 anything. So I'm just here to throw myself on the mercy
15 of the court. Maybe you guys could do something to help
16 me out, some kind of probation or something. I don't
17 know. That's all I got.

18 JUDGE BROWN: Okay. Before I ask
19 commission staff if they're going to cross, and ask you
20 any questions, I want to move to exhibits that
21 Mr. Akerman provided. And identified in this PA-1
22 through PA-4. And they're going to be admitted into
23 evidence unless there's any objection from commission
24 staff.

25

1 (Exhibits PA-1 through PA-4
2 admitted.)

3 ATTORNEY NIERA: No objections from staff.

4 JUDGE BROWN: Okay. Are there any
5 questions, or would you like to proceed with cross of
6 Mr. Akerman at this time?

7 ATTORNEY NIERA: No, your Honor.

8 JUDGE BROWN: Okay. Mr. Akerman, do you
9 have any further statements or anything else that you
10 would like to add?

11 MR. AKERMAN: No. No, sir.

12 JUDGE BROWN: I do have one question
13 before moving to wrapping up the hearing and speaking
14 about what will happen next procedurally.

15 I just want to know just for my own
16 personal -- for my own -- because I'm looking and
17 evaluating both sides of the case, listening to both
18 parties. (Inaudible.) Are there any steps you have
19 taken in addition to what you have spoken --

20 MR. AKERMAN: I can't hear you.

21 JUDGE BROWN: Can you hear me?

22 MR. AKERMAN: It's like every time you
23 move your head --

24 JUDGE BROWN: It's my microphone. Is that
25 any better?

1 MR. AKERMAN: I don't want to miss what's
2 going on.

3 JUDGE BROWN: I want to know what steps,
4 any other steps (inaudible) during the hearing at this
5 time that would provide any assurance to commission staff
6 (inaudible) with regard to the service you provide and
7 you propose to provide at this time, and ensure that you
8 will conform and comply with (inaudible) requirements and
9 (inaudible).

10 MR. AKERMAN: Yeah, you're, like, in and
11 out. Every time you move your head, it fades out.

12 JUDGE BROWN: All right.

13 MR. AKERMAN: I'm getting like every third
14 word.

15 JUDGE BROWN: Let me try this again.

16 MR. AKERMAN: There you go.

17 JUDGE BROWN: Are there any assurances,
18 anything additional that you would like to state for the
19 record that you have done that will give the commission
20 some assurance that you will provide the services and
21 comply and conform to commission regulations and rules
22 going forward if provided the opportunity?

23 What steps have you taken, additional
24 steps?

25 I heard the steps that you testified to,

1 and I have your record. Is there anything else you would
2 like to add in regard to steps you have personally
3 taken?

4 Anything additional that would -- may be
5 persuasive?

6 MR. AKERMAN: No, everything I've done,
7 you know. This is my driving record, 20 years without an
8 accident, only the one ticket ten over, and never a
9 complaint from a customer.

10 And there's nothing in my record that has
11 anything to do with work, you know. I mean, I had a drug
12 problem. And there was a few petty thefts in there,
13 third degree thefts for food.

14 And other than that, it was -- you know,
15 it was nothing to do with any kind of work, customer,
16 violence, or anything like that.

17 JUDGE BROWN: Okay.

18 MR. AKERMAN: Just substance abuse
19 problem, and I'm clean and sober now, you know. I mean,
20 that's just the way it is. I appreciate it. Thank you.

21 JUDGE BROWN: Okay. Thank you.

22 At this time, I'll ask that both parties
23 provide a brief closing statement.

24 And commission staff, you can go first.

25 ATTORNEY NIERA: Yes, your Honor. It is

1 staff's position that the application should be denied.
2 The information presented involves criminal history,
3 including multiple charges of theft, arson, forgery,
4 taking a motor vehicle without permission.

5 While the crimes may be older, they are
6 still quite relevant when it comes to considering moving
7 the household goods of the public around Washington. So
8 staff's position is to deny the application.

9 JUDGE BROWN: Thank you. I appreciate
10 that, Ms. Niera.

11 Now, Mr. Akerman, I have heard from you
12 with a couple of statements. But I'd like to know if you
13 would like to make a brief closing statement at this
14 time.

15 MR. AKERMAN: Most of the charges are --
16 you know, there's one charge within the last five years.
17 And that was for that attempt to solicit, whatever that
18 is.

19 But other than that, it's been six years,
20 five and a half, six years, and I had a petty theft for a
21 pair of tennis shoes.

22 Before that, it's been ten years.

23 And that motor vehicle, that was 21 years
24 ago.

25 And the arson, too, was I put a burn mark

1 in a plastic box.

2 I mean, I wrote an explanation of every
3 charge. And I don't think that anything in my record
4 shows that I would put any customer at risk. I mean, you
5 know, this has been my job for 20 years, you know. I've
6 been out here for 20 years at the best moving companies,
7 you know, there is.

8 So, I mean, I just would like a chance.
9 But that's all I get. Thanks.

10 JUDGE BROWN: Thank you for your
11 statement, Mr. Akerman.

12 At this time, I'd like to thank all of you
13 for your appearances and for presenting your cases.

14 I will take all of this under advisement
15 and issue an order soon. But before we all adjourn, I'd
16 like to request that the parties waive the requirement
17 for me to issue an order in the next ten days. I'd like
18 to have the transcript available when I write this order
19 and when I'm writing the decision, and we usually receive
20 the transcript (inaudible.)

21 MR. AKERMAN: The what?

22 JUDGE BROWN: And I anticipate that I
23 would issue an order within five business days of the
24 date the transcript is received at the latest. So does
25 any party have any objection to waiving the

1 requirement?

2 ATTORNEY NIERA: No objection, your Honor.

3 JUDGE BROWN: Okay. Do the parties have
4 anything further that they would like to say before we go
5 off the record?

6 ATTORNEY NIERA: Nothing further from
7 staff.

8 JUDGE BROWN: Okay. Thank you all for
9 your time here today. And we're off the record. Thank
10 you.

11 (Hearing concluded.)

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CERTIFICATE OF REPORTER)
STATE OF WASHINGTON)
) ss
COUNTY OF KING)

I, Elizabeth Patterson Harvey, a Certified Court Reporter and Registered Professional Reporter within and for the State of Washington, do hereby certify under penalty of perjury that the foregoing court proceedings or legal recordings were transcribed under my direction; and that the transcript is true and accurate to the best of my knowledge and ability, including changes, if any, made by the trial judge reviewing the transcript; that I received the electronic recording in the proprietary court format; that I am not a relative or employee of any attorney or counsel employed by the parties hereto, nor financially interested in its outcome.

IN WITNESS WHEREOF, I have hereunto set my hand this 30th day of August, 2023.


Elizabeth Patterson Harvey, FAPR, RPR, WA CCR 2731



My license expires December 21, 2023